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STATE PAPERS,

(PRESENTED BY COMMAND OF HIS MAJESTY.)

ONE VOLUME.

RELATING TO

BELGIAN FORTRESSES;
CLAIMS ON PORTUGAL BY FRANCE AND ENGLAND.

Session

14 June — 20 October 1831.

VOL. XX.

WITH

A NUMERICAL LIST OF THE PRINTED PAPERS;

AND,

A GENERAL INDEX TO THE WHOLE.

1831.

~~Bn Doc 372~~

Bn Doc 650

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93
1

STATE PAPERS,

(PRESENTED BY COMMAND OF HIS MAJESTY.)

ONE VOLUME:—CONTENTS OF THE TWENTIETH VOLUME.

N.B.—The Figures at the end of the line, refer to the MS. Paging of the Volume as arranged for The House of Commons.

No.

MS
paging.

STATE PAPERS.

123. PROTOCOL of a Conference held at the FOREIGN OFFICE,
April 17th, 1831, between the Plenipotentiaries of *Austria*,
Great Britain, *Prussia*, and *Russia*; and Note addressed by
Plenipotentiaries of *Austria*, *Great Britain*, *Prussia*, and
Russia, to the Plenipotentiary of *France* - - - - 1

Class

A. PAPERS relative to Portugal:

CORRESPONDENCE relative to the *British* Demands on
the Government of *Portugal* - - - - 13

B. PAPERS relative to the *French* Demands on the Government
of *Portugal* - - - - 143

BELGIAN FORTRESSES.

PROTOCOL of a CONFERENCE held at the Foreign Office, April 17, 1831, between the PLENIPOTENTIARIES of *Austria, Great Britain, Prussia, and Russia*; with Translation :—and, NOTE addressed by the PLENIPOTENTIARIES of *Austria, Great Britain, Prussia, and Russia*, to the PLENIPOTENTIARY of *France*, on the 14th of July 1831; with Translation.

PRESENTED BY HIS MAJESTYS COMMAND.

*Ordered, by The House of Commons, to be Printed,
27 July 1831.*

No. 1.

PROTOCOLE de la Conférence tenue au Foreign Office, le 17 Avril 1831.

Présens :

Les Plénipotentiaires d' *Autriche*, de la *Grande Bretagne*, de *Prusse*,
et de *Russie*.

LES Plénipotentiaires d'Autriche, de la Grande Bretagne, de Prusse, et de Russie, s'étant réunis, ont porté leur attention sur les Forteresses construites aux frais des quatre Cours depuis l'année 1815, dans le Royaume des Pays Bas, et sur les déterminations qu'il conviendrait de prendre à l'égard de ces Forteresses, lorsque la séparation de la Belgique d'avec la Hollande serait définitivement effectuée.

Après avoir mûrement examiné cette question, les Plénipotentiaires des quatre Cours ont été unanimement d'opinion, que la situation nouvelle où la Belgique serait placée, et sa neutralité reconnue et garantie par la France, devaient changer le système de défense militaire adopté pour le Royaume des Pays Bas ; que les Forteresses dont il s'agit seraient trop nombreuses pour qu'il ne fut difficile aux Belges de pourvoir à leur entretien et à leur défense ; que d'ailleurs l'inviolabilité unanimement admise du Territoire Belge offrait une sûreté qui n'existait pas auparavant, qu'enfin une partie de ces Forteresses construites dans des circonstances différentes pourrait désormais être rasée.

Les Plénipotentiaires ont éventuellement arrêté en conséquence, qu'à l'époque où il existerait en Belgique un Gouvernement reconnu par les Puissances qui prennent part aux Conférences de Londres, il serait entamé entre les quatre Cours et ce Gouvernement une Négociation à l'effet de déterminer celles des dites Forteresses qui devaient être démolies.

(signé) *Esterhazy. Wessenberg.*
Palmerston.
Bülów.
Lieven. Matuszewic.

(Translation.)

PROTOCOL of a Conference held at the Foreign Office, the 17th April 1831,
between the Plenipotentiaries of *Austria*, *Great Britain*, *Prussia*, and *Russia*.

THE Plenipotentiaries of Austria, of Great Britain, of Prussia, and of Russia, having met, have directed their attention to the Fortresses constructed since the year 1815 in the Kingdom of the Netherlands, at the expense of the four Courts ; and to the determinations which it would become necessary to take with respect to these Fortresses, when the separation of Belgium from Holland shall have been definitively effected.

Having carefully examined this question, the Plenipotentiaries of the four Courts were unanimously of opinion ;—That the new situation in which Belgium would be placed, with her neutrality acknowledged and guaranteed by France, ought to change the system of military defence which had been adopted for the Kingdom of the Netherlands ;—that the Fortresses in question would be too numerous, not to make it difficult for the Belgians to provide for their maintenance and defence ;—that, moreover, the unanimously admitted inviolability of the Belgian territory offered a security which did not previously exist ;—finally, that a part of these Fortresses, constructed under different circumstances, might at present be razed.

In consequence, the Plenipotentiaries have finally decided, that as soon as a Government shall exist in Belgium, recognised by the Powers taking part in the Conferences of London, a Negotiation shall be set on foot between the four Powers and that Government, for the purpose of selecting such of the said Fortresses as should be demolished.

(signed) *Esterhazy. Wessenberg.*
Palmerston.
Bülów.
Lieven. Matuszewic.

No. 2.

NOTE addressed by the Plenipotentiaries of *Austria, Great Britain, Prussia,*
and *Russia*, to the Plenipotentiary of *France*.

Foreign Office, 14 Juillet, 1831.

LES Soussignés, Plénipotentiaires des Cours d'Autriche, de la Grande Bretagne, de Prusse, et de Russie, voulant donner un nouveau témoignage de la confiance que leur inspirent les dispositions manifestées par le Gouvernement de Sa Majesté le Roi des Français en faveur du maintien de la paix générale, se font un devoir de communiquer à M. le Prince de Talleyrand, la copie ci-jointe d'un Protocole qu'ils ont arrêté, au sujet des Forteresses érigées depuis l'année 1815 dans le Royaume des Pays Bays.

Les Souissignés ne trouvent aucun inconvénient à ce que le Protocole en question reçoive la publicité qui pourra être donnée aux autres actes des négociations qui ont lieu depuis le mois de Novembre 1830, sur les affaires de la Belgique.

Ils saisissent avec empressement cette occasion d'offrir à M. le Prince de Talleyrand l'assurance de leur très haute considération.

(Signé) *Esterhazy. Wessenberg.*
Palmerston.
Bülow.
Lieven. Matuszewic.

(Translation.)

Foreign Office, July 14, 1831.

THE Undersigned, Plenipotentiaries of the Courts of Austria, of Great Britain, of Prussia, and of Russia, being desirous to give a further proof of the reliance which they place on the disposition shown by the Government of His Majesty the King of the French for the maintenance of the general peace, think it their duty to communicate to the Prince de Talleyrand the annexed Copy of a Protocol which they have issued upon the subject of the Fortresses erected since the year 1815, in the Kingdom of the Netherlands.

The Undersigned see no objection to giving the same publicity to this Protocol as may be given to the other acts of the negotiations which have taken place since the month of November 1830, on the affairs of Belgium.

They take this opportunity to renew, &c.

(Signed) *Esterhazy. Wessenberg.*
Palmerston.
Bülow.
Lieven. Matuszewic.

BELGIAN FORTRESSES.

PROTOCOL of a Conference held at the Foreign Office, April 17, 1831, between the Plenipotentiaries of *Austria, Great Britain, Prussia, and Russia*; with Translation:—and, NOTE addressed by the Plenipotentiaries of *Austria, Great Britain, Prussia, and Russia*, to the Plenipotentiary of *France*, on the 14th of July 1831; with Translation.

*Ordered, by The House of Commons, to be Printed,
27 July 1831.*

PROTOCOL

OF A

CONFERENCE HELD AT THE FOREIGN OFFICE,

17th April, 1831,

BETWEEN THE PLENIPOTENTIARIES OF

AUSTRIA, GREAT BRITAIN, PRUSSIA, AND

RUSSIA;

AND

NOTE ADDRESSED BY THEM TO THE PLENIPOTENTIARY OF
FRANCE,

July 14, 1831.

*Presented to both Houses of Parliament by Command of His Majesty,
July, 1831.*

LONDON:

PRINTED BY J. HARRISON AND SON.

LIST.

No. 1. PROTOCOL of a Conference held at the Foreign Office, April 17, 1831, between the Plenipotentiaries of Austria, Great Britain, Prussia, and Russia.....	5
Translation	6
No. 2. Note addressed by the Plenipotentiaries of Austria, Great Britain, Prussia, and Russia, to the Plenipotentiary of France.....	7
Translation	7

LIST.

- No. 1. PROTOCOL of a Conference held at the Foreign Office, April 17, 1831, between the
Plenipotentiaries of Austria, Great Britain, Prussia, and Russia..... 5
Translation 6
- No. 2. Note addressed by the Plenipotentiaries of Austria, Great Britain, Prussia, and Russia,
to the Plenipotentiary of France..... July 14, 1831. 7
Translation 7

No. 1.

PROTOCOLE d'une Conférence tenue au Foreign Office, le 17 Avril, 1831.

Présens :

*Les Plénipotentiaires
d'Autriche ;
de la Grande Bretagne ;
de Prusse ; et
de Russie.*

LES Plénipotentiaires d'Autriche, de la Grande Bretagne, de Prusse, et de Russie, s'étant réunis, ont porté leur attention sur les forteresses construites aux frais des quatre Cours depuis l'année 1815, dans le Royaume des Pays Bas, et sur les déterminations qu'il conviendrait de prendre à l'égard de ces forteresses lorsque la séparation de la Belgique d'avec la Hollande serait définitivement effectuée.

Après avoir mûrement examiné cette question, les Plénipotentiaires des quatre Cours ont été unanimement d'opinion, que la situation nouvelle où la Belgique serait placée, et sa neutralité reconnue et garantie par la France, devaient changer le système de défense militaire adopté pour le Royaume des Pays Bas ; que les forteresses dont il s'agit seraient trop nombreuses pour qu'il ne fut difficile aux Belges de pourvoir à leur entretien et à leur défense ; que d'ailleurs l'inviolabilité unanimement admise du territoire Belge offrait une sûreté qui n'existait pas auparavant qu'enfin une partie de ces forteresses construites dans des circonstances différentes pourrait désormais être rasée.

Les Plénipotentiaires ont éventuellement arrêté en conséquence, qu'à l'époque où il existerait en Belgique un Gouvernement reconnu par les Puissances qui prennent part aux Conférences de Londres, il serait entamé entre les quatre Cours et ce Gouvernement une négociation à l'effet de déterminer celles des dites forteresses qui devaient être démolies.

(Signé)

ESTERHAZY. WESSENBURG.
PALMERSTON.
BULOW.
LIEVEN. MATUSZEWIC.

(TRANSLATION.)

PROTOCOL of a Conference, held at the Foreign Office the 17th April, 1831.

Present :

*The Plenipotentiaries
of Austria ;
Great Britain ;
Prussia ; and
Russia.*

THE Plenipotentiaries of Austria, of Great Britain, of Prussia, and of Russia, having met, have directed their attention to the fortresses constructed since the year 1815 in the Kingdom of the Netherlands, at the expense of the four Courts ; and to the determinations which it would become necessary to take with respect to these fortresses, when the separation of Belgium from Holland shall have been definitively effected.

Having carefully examined this question, the Plenipotentiaries of the four Courts were unanimously of opinion ;—that the new situation in which Belgium would be placed, with her neutrality acknowledged and guaranteed by France, ought to change the system of military defence which had been adopted for the Kingdom of the Netherlands ;—that the fortresses in question would be too numerous not to make it difficult for the Belgians to provide for their maintenance and defence ;—that, moreover, the unanimously admitted inviolability of the Belgian territory offered a security which did not previously exist ;—finally, that a part of these fortresses, constructed under different circumstances, might at present be razed.

In consequence the Plenipotentiaries have finally decided, that as soon as a Government shall exist in Belgium, recognized by the Powers taking part in the Conferences of London, a negotiation shall be set on foot between the four Powers and that Government, for the purpose of selecting such of the said fortresses as should be demolished.

(Signed)

ESTERHAZY. WESSENBERG.
PALMERSTON.
BULOW.
LIEVEN. MATUSZEWIC.

No. 2.

NOTE addressed by the Plenipotentiaries of Austria, Great Britain, Prussia, and Russia, to the Plenipotentiary of France.

Foreign Office, 14 Juillet, 1831.

LES Soussignés, Plénipotentiaires des Cours d'Autriche, de la Grande Bretagne, de Prusse, et de Russie, voulant donner un nouveau témoignage de la confiance que leur inspirent les dispositions manifestées par le Gouvernement de Sa Majesté le Roi des Français en faveur du maintien de la paix générale, se font un devoir de communiquer à M. le Prince de Talleyrand, la copie ci-jointe d'un Protocole qu'ils ont arrêté, au sujet des forteresses érigées depuis l'année 1815 dans le Royaume des Pays Bas.

Les Soussignés ne trouvent aucun inconvénient à ce que le Protocole en question reçoive la publicité qui pourra être donnée aux autres Actes des négociations qui ont lieu depuis le mois de Novembre 1830, sur les affaires de la Belgique.

Ils saisissent avec empressement cette occasion d'offrir à M. le Prince de Talleyrand l'assurance de leur très haute considération.

(Signé) ESTERHAZY.
PALMERSTON.
BULOW.
LIEVEN. MATUSZEWIC.

(Translation.)

Foreign Office, July 14, 1831.

THE Undersigned, Plenipotentiaries of the Courts of Austria, of Great Britain, of Prussia, and of Russia, being desirous to give a further proof of the reliance which they place on the disposition shown by the Government of His Majesty the King of the French for the maintenance of the general peace, think it their duty to communicate to the Prince de Talleyrand the annexed Copy of a Protocol which they have issued upon the subject of the fortresses erected since the year 1815, in the Kingdom of the Netherlands.

The Undersigned see no objection to giving the same publicity to this Protocol as may be given to the other Acts of the negotiations which have taken place since the month of November, 1830, on the affairs of Belgium.

They take this opportunity to renew, &c.

(Signed) ESTERHAZY.
PALMERSTON.
BULOW.
LIEVEN. MATUSZEWIC.

A.

PAPERS

RELATIVE TO

PORTUGAL.

CORRESPONDENCE

RELATIVE TO

THE BRITISH DEMANDS

UPON THE

Government of Portugal.

LONDON:

PRINTED BY J. HARRISON AND SON.

1831.

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COPIES of the Representations made by His Majesty's Command to the Government of Portugal, concerning the Insults and Injuries to which His Majesty referred in His Most Gracious Speech from the Throne, and of the Answers received from that Government, containing a compliance with His Majesty's demand of satisfaction ; together with Copies and Extracts of Communications between His Majesty's Government and His Majesty's Consul-General at Lisbon, relative to the English Expedition to the Tagus.

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CORRESPONDENCE WITH J. R. MATTHEWS, Esq. 1828—1829.

LIST OF PAPERS.

	Page
No. 1. J. R. Matthews, Esq. ... to Lord DunglasLisbon, 11 July,	1828 1
No. 2. Lord Dunglas to J. R. Matthews ... Foreign Office, 16 July,	... 5
No. 3. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 19 July,	... 5
No. 4. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 21 July,	- 5
No. 5. The Earl of Aberdeen... to J. R. Matthews, Esq....Foreign Office, 23 July, ..	- 5
No. 6. Lord Dunglas to J. R. Matthews, Esq....Foreign Office, 30 July,	- 6
No. 7. J. R. Matthews, Esq. ... to The Earl of Aberdeen, Lisbon, 9 August	- 7
No. 8. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 19 August,	- 7
No. 9. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 23 August,	- 8
No. 10. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 30 August,	- 9
No. 11. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 6 Sept.	- 10
No. 12. J. R. Matthews, Esq. ... to Lord Dunglas..... Lisbon, 8 Sept.	- 12
No. 13. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 20 Sept.	- 13
No. 14. John Backhouse, Esq. , to J. R. Matthews, Esq Foreign Office, 24 Sept.	- 15
No. 15. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 27 Sept.	- 17
No. 16. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 27 Sept.	- 19
No. 17. Lord Dunglas to J. R. Matthews, Esq.... Foreign Office, 1 October,	- 20
No. 18. J. R. Matthews, Esq. ... to Lord Dunglas..... Lisbon, 4 October,	- 21
No. 19. Lord Dunglas to J. R. Matthews, Esq ... Foreign Office, 8 October,	- 23
No. 20. J. R. Matthews, Esq. ... to Lord Dunglas.Lisbon, 11 October,	- 23
No. 21. Lord Dunglas to J. R. Matthews, Esq.... Foreign Office, 16 October,	- 24
No. 22. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 18 October,	- 25
No. 23. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 25 October,	- 30
No. 24. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 25 October,	- 32
No. 25. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 31 October,	- 32
No. 26. The Earl of Aberdeen ... to J. R. Matthews, Esq.... Foreign Office, 6 Nov.	- 34
No. 27. Lord Dunglas to J. R. Matthews, Esq.... Foreign Office, 6 Nov.	- 35
No. 28. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 8 Nov.	- 36
No. 29. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 8 Nov.	- 36
No. 30. The Earl of Aberdeen... to J. R. Matthews, Esq.... Foreign Office, 15 Nov.	- 37
No. 31. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 15 Nov.	- 37
No. 32. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 15 Nov.	- 39
No. 33. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 22 Nov.	- 40
No. 34. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 29 Nov.	- 43
No. 35. J. R. Matthews, Esq. ... to The Earl of Aberdeen, Lisbon, 29 Nov.	- 44
No. 36. J. R. Matthews, Esq. .. to Lord Dunglas.....Lisbon, 29 Nov.	- 45
No. 37. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 6 Dec.	- 46
No. 38. J. R. Matthews, Esq. ... to Lord Dunglas..... Lisbon, 6 Dec.	- 47
No. 39. The Earl of Aberdeen... to J. R. Matthews, Esq., Foreign Office, 10 Dec.	- 47
No. 40. J. R. Matthews, Esq. ... to Lord Dunglas Lisbon, 13 Dec.	- 49
No. 41. J. R. Matthews, Esq. ... to Lord Dunglas Lisbon, 13 Dec.	- 50
No. 42. J. R. Matthews, Esq. ... to Lord Dunglas Lisbon, 20 Dec.	- 50
No. 43. J. R. Matthews, Esq. ... to The Earl of Aberdeen Lisbon, 22 Dec.	- 51
No. 44. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 31 Dec.	- 54
No. 45. J. R. Matthews, Esq. ... to Lord Dunglas Lisbon, 31 Dec.	- 54
No. 46. J. R. Matthews, Esq. ... to Lord Dunglas Lisbon, 31 Dec.	- 54
No. 47. J. R. Matthews, Esq. ... to The Earl of Aberdeen, Lisbon, 1 January, 1829.	55
No. 48. J. R. Matthews, Esq. ... to Lord Dunglas Lisbon, 5 January,	55
No. 49. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 5 January,	56
No. 50. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 10 January,	56
No. 51. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 24 January,	61
No. 52. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 24 January,	62
No. 53. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 24 January,	62
No. 54. Lord Dunglas to J. R. Matthews, Esq.... Foreign Office, 5 February	63
No. 55. J. R. Matthews, Esq. ... to Lord Dunglas.....Lisbon, 7 February,	63

1829.		
No. 56. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 7 February,	- 65
No. 57. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 7 February,	- 65
No. 58. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 14 February,	- 66
No. 59. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 14 February,	- 67
No. 60. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 21 February,	- 67
No. 61. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 21 February,	- 69
No. 62. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 21 February,	- 70
No. 63. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 24 February,	- 71
No. 64. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 2 March,	- 71
No. 65. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 7 March,	- 71
No. 66. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 26 March,	- 72
No. 67. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 21 April,	- 74
No. 68. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 25 April,	- 75
No. 69. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 23 May,	- 79
No. 70. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 30 May,	- 80
No. 71. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 6 July,	- 81
No. 72. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 18 July,	- 81
No. 73. J. R. Matthews, Esq. ... to The Earl of Aberdeen	Lisbon, 25 July,	- 83
No. 74. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 25 July,	- 84
No. 75. J. R. Matthews, Esq. ... to Lord Dunglas	Lisbon, 1 October,	- 87

CORRESPONDENCE

WITH

J. R. MATTHEWS, Esq.

1828—1829.

No. 1.

J. R. Matthews, Esq. to Lord Dunglas.—(Received July 18.)

My Lord,

Lisbon, July 11, 1828.

I beg leave to enclose to your Lordship, copies of the correspondence that has taken place between the Minister of Foreign Affairs and myself, in consequence of a despatch communicated to me by Captain Sartorius, of His Majesty's ship *Pyramus*, and addressed by Lord Aberdeen to Sir Frederick Lamb, directing me to claim Sir John Milley Doyle.

I wrote without delay to Viscount De Santarem, on the 7th inst., a note, of which a copy is under No. 1, claiming Sir John Milley Doyle as a British subject, against whom no delinquency was proved. On the 9th, in the morning, having received no acknowledgment of it, and fearing it might be attended with the same fate as others that remain unanswered, I waited upon Viscount De Santarem, and delivered to him the Notes, No. 2 to 5, relating to Sir John Milley Doyle, and other British subjects in confinement, making at the same time my best efforts to convince His Excellency of the importance to be attached to a direct claim made by order of the British Government. He required the steam boat to be detained till twelve o'clock to-day; but his answer, of which No. 7 is a translation, reached me last night, and I have deemed it incumbent on me to refute it with an explanatory protest under No. 8.

I hope the course I have adopted will meet with your Lordship's approbation, and that I shall be honoured with further instructions for my guide in this case.

I have the honour, &c.

Lord Dunglas,
&c.

(Signed)

J. R. MATTHEWS.

&c.

Enclosure 1 in No. 1.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, July 7, 1828.

I have had the honour of addressing your Excellency on the subject of the imprisonment of Sir John Milley Doyle, and other British subjects; and the last of my communications of the 16th ultimo, has

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not been favoured by your notice. I have represented the importance of these cases, in language so urgent, that I had hoped it would have averted the necessity of troubling your Excellency again on the subject. Sir John Milley Doyle, however, after twenty days' confinement in a secret dungeon, is still detained in prison, as are also the other British subjects, without any charge being brought against them. The usual privileges established by our Treaties have been overlooked, and the laws of the country exceeded, in the severity of their treatment.

I am now ordered by His Britannic Majesty's Government, to claim Sir John Milley Doyle as a British subject, against whom no delinquency has been proved, and I fully trust that his release will not be refused, were it even deemed necessary for him to quit Portugal immediately. The severe punishment inflicted on these British subjects by their long confinement, exciting the anxiety of the British Government, leads me to expect your Excellency will enable me to transmit without delay a favourable determination on these cases.

I have the honour to be, &c.

Viscount de Santarem.
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure 2 in No. 1.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, July 9, 1828.

On the 7th instant, I had the honour to acquaint your Excellency, that I was ordered by His Britannic Majesty's Government to claim Sir John Milley Doyle as a British subject, against whom no delinquency has been proved, fully trusting that his immediate release would not be refused, were it even deemed necessary for him to quit Portugal without delay. I have this day waited upon your Excellency to state that the *Meteor* steam-vessel will be detained till tomorrow night to convey to great Britain your Excellency's answer.

The violation of every right and privilege in this case will not, I hope, be attempted to be screened by a process at law, so made up as to prevent that exercise of the authority of the Juiz Conservador, which if duly applied at first according to treaty, must have protected Sir John Milley Doyle from such unjustifiable persecution, which becomes subsequently quite nugatory.

I have the honour to be, &c.

Viscount de Santarem
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure 3 in No. 1.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, July 9, 1828.

Mr. Wm. Young, a half-pay Cornet in the British Waggon Train, has been confined in prison ever since the beginning of June last, without any charge being brought against him. Should he be de-

tained on the imaginary ground of opinion, I must beg leave to remark that such a basis is wholly unjustifiable, and whatever may be the course further adopted with him after the violation of our Treaties, by his arrest and the non-intervention of the Judge Conservator, no legal process made up subsequently in another court of justice, can do away the effects of this unwarranted persecution. I trust, therefore, your Excellency will enable me to acquaint His Britannick Majesty's Government, that Mr. Wm. Young has been set at liberty.

I have the honour to be, &c.

Viscount de Santarem.
&c. &c. &c.

(Signed) J. R. MATTHEWS.

Enclosure 4 in No. 1.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, July 9, 1828.

On the 4th instant Mr. John Hargreaves Cobham after having been robbed and insulted by a mob, was thrown into the prison of the Limoeiro. I had the honour to address your Excellency on this subject on the 5th, yet no charge lies against him he is still confined in prison, this severity towards a British subject belonging to an established house of commerce in this town is as marked as it is unjustifiable, and I hope your Excellency will enable me to acquaint His Majesty's Government, that Mr. John Hargreaves Cobham has been set at liberty.

I have the honour to be, &c.

Viscount Santarem.
&c. &c. &c.

(Signed) J. R. MATTHEWS.

Enclosure 5 in No. 1.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, July 9, 1828.

The confinement in jail of Mr. Rospigliosi, a British subject ever since the 6th ultimo, because a fanatic mob chose to style him *malhado* and attempted to destroy him, is a case of such flagrant injustice that after the repeated applications I have had the honour to direct to your Excellency, causes serious surmises as to the object of such persecution. I therefore trust your Excellency, considering the impression made by this case, will enable me to acquaint His Britannic Majesty's Government, that Mr. Rospigliosi has been set at liberty.

I have the honour to be, &c.

Viscount de Santarem.
&c. &c. &c.

(Signed) J. R. MATTHEWS.

Enclosure 6 in No. 1.

Viscount de Santarem to J. R. Matthews, Esq.—(Translation.)
Sir, *Lisbon, July 10, 1828.*

Having taken the orders of His Majesty to answer the notes addressed to me on the 9th instant, complaining that some British

subjects were kept in custody and claiming anew their release, I must acquaint you that measures of public safety taken in the moment of a violent crisis and grounded on every right, caused the imprisonment of those individuals, who had become suspicious: I can, however, at the same time assure you that their trials being legally instituted before the competent court of justice, according to the treaties and privileges granted to the British nation, may produce the desired effect without having to invert the order of criminal justice in this kingdom.

I avail myself of this opportunity to repeat the sentiments of my consideration.

God preserve you,
J. R. Matthews, Esq. (Signed) **VISCOUNT DE SANTAREM.**
 &c. &c. &c.

Enclosure 7 in No. I.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, 10th July, 1828.

I have the honour to acknowledge the receipt of your Excellency's note of this day, in answer to mine of the 9th instant, which refers to one of the 7th instant, in which, by express order of His Britannic Majesty's Government, I claim Sir John Milley Doyle, as a British subject, against whom no delinquency has been proved, also in answer to three notes of mine relating to other British subjects now confined in jail.

Your Excellency states that measures of public safety taken in the moment of a violent crisis and grounded on every right caused the imprisonment of those individuals that had become suspicious. Can any situation, Sir, upon such a basis justify the confinement of any person for twenty days in a solitary dungeon, and his subsequent detention in prison? And does not the condition, of Sir John Milley Doyle being made to quit Portugal, expressed in my Letter of the 7th by order of His Britannic Majesty's Government, sufficiently remove any such plea for his detention? Instead of lawful measures, your Excellency may see from the moment of his arrest to this day, that there has been nothing but a series of infractions of those articles of our Treaties, which I have formerly quoted, and even breaches of the law of this country, by the severity used towards this prisoner; and the trial itself mentioned by your Excellency as instituted in a competent court of justice, is so ordained as to prevent Sir John Milley Doyle from sheltering himself from that pressure of injustice which the very appointment of a judge conservator was framed by our Treaties to avert.

Your Excellency's note of this day places me therefore under the unpleasant necessity of protesting solemnly against this detention of British subjects in prison on a mere charge of suspicion, and against the refusal to deliver up Sir John Milley Doyle to me after the formal claim made by order of His Britannic Majesty's Government, to whom I again with deep regret but firm trust, find myself obliged to appeal.

Viscount de Santarem,
 &c. &c. &c.

I have the honour to be, &c.

(Signed) **J. R. MATTHEWS.**

No. 2.

Lord Dunglas to J. R. Matthews, Esq.

(Extract.)

Foreign Office, 16th July, 1828.

You will keep your Government informed of all the political events of importance which may occur at Lisbon, and you will continue to watch over the interests of British subjects, using your best endeavours to secure to them, upon all occasions, the rights and privileges to which they are entitled under the existing Treaties between the two countries.

I am, &c.

J. R. Matthews, Esq.
 &c. &c. &c.

(Signed) DUNGLAS.

No. 3.

J. R. Matthews, Esq. to Lord Dunglas.—(Received August 4.)

My Lord,

Lisbon, July 19th, 1828.

I beg leave to acquaint your Lordship in virtue of an order from this Government, the British Judge Conservator has called into his own Court the trials of those British subjects that have been arrested on supposed political grounds. He will therefore pass a sentence in the first instance, to be confirmed or altered by the superior Tribunal of the Relacao.

The advantage resulting from the strong remonstrances that have been called for by these cases will be the adoption at last of part of the course laid down by our Treaties.

I have the honour to be, &c.

Lord Dunglas,
 &c. &c. &c.

(Signed) J. R. MATTHEWS.

No. 4.

J. R. Matthews, Esq. to Lord Dunglas.—(Received August 4.)

(Extract.)

Lisbon, 21st July, 1828.

By my enclosures in my Despatch of July 11, your Lordship may have observed that I protested against the refusal to deliver up Sir John Milley Doyle to me, stating that I appealed again, with firm reliance to His Britannic Majesty's Government. This step has had the good effect of drawing the trials into the British Conservatorial Court. But it will be a work of much difficulty to alter the tendency of these trials, which like all others of this nature may be decided according to the impression the Government takes of the case, and there is not a Judge who would venture to act here in direct opposition to this feeling. Much, therefore, may depend upon the communications I may find myself authorised to make to this Government on the subject.

I have the honour to be, &c.

Lord Dunglas,
 &c. &c. &c.

(Signed) J. R. MATTHEWS.

No. 5.

The Earl of Aberdeen to J. R. Matthews, Esq.

(Extract.)

Foreign Office, July 23, 1828.

You have already been directed by Lord Dunglas's letter of the 16th instant, as well as by instructions addressed to Sir Frederick Lamb, His Majesty's late Ambassador at the Court of Lisbon, and dated on the 28th of June and 9th instant, to claim for those British subjects who are now under arrest in Portugal, the full benefits to which they are entitled by the Treaties concluded between the two kingdoms. If the offences with which they are charged should be beyond the province of the Judge Conservator, they have still an unquestionable right to a speedy and impartial trial according to the laws of Portugal. His Majesty's Government have learnt with deep concern, that the British subjects to whom I have referred, are still detained in unhealthy and loathsome places of confinement, not only without having been brought to trial, but even without having been furnished with any act of accusation, contrary to the established laws of Portugal, and to the plainest dictates of justice. It would appear, that, if even the exertions of the Judge Conservator could be useful, we might expect them to be so in watching over proceedings of this nature.

At all events you will again seriously remonstrate against a perseverance in the course which has hitherto been adopted with respect to these persons. Should they be found upon trial to have been guilty, it is no doubt fitting that they should suffer a punishment proportioned to the offence. Against the just sentence of known laws administered in mercy, His Majesty has no wish to interpose, but it is not less His Majesty's inclination than it is his duty to extend his protection to the meanest of his subjects against the effects of arbitrary and vexatious oppression.

I am, &c.

J. R. Matthews, Esq.

(Signed)

ABERDEEN.

&c. &c. &c.

No. 6.

Lord Dunglas to J. R. Matthews, Esq.

(Extract.)

Foreign Office, 30th July, 1828.

Lord Aberdeen, however, cannot but consider the treatment which Sir J. Doyle, and Mr. Young and others, have experienced at the hands of the Portuguese Government, as most arbitrary and oppressive, and therefore of such a nature as fully to justify the remonstrances which have been made against it.

You will intimate to M. de Santarem that your Government will watch over the safety of these individuals with unceasing vigilance and anxiety; and that it will require full and complete satisfaction and reparation for any injuries contrary to the laws of Portugal, which they may have already sustained, or to which they may hereafter be subjected.

I have only further to add, that you will, in conformity with the intimation which you are hereby instructed to make to M. de Santarem, use your constant and best endeavours to procure for the

individuals above referred to, a speedy and impartial administration of the laws of Portugal; and you will report to me, for Lord Aberdeen's information, by every packet, the result of the steps which you may have taken in pursuance of these instructions.

I am, &c.

J. R. Matthews, Esq.
&c. &c. &c.

(Signed)

DUNGLAS.

No. 7.

J. R. Matthews, Esq. to the Earl of Aberdeen.—(Received August 24.)

(Extract.)

Lisbon, 9th August, 1828.

Since the British Judge Conservator has called the trials of these British prisoners into his own Court, we have the satisfaction of contemplating their probable issue within the time prescribed by the forms of the law followed in these cases; and though a little delay had appeared in the beginning, I have the satisfaction of acquainting your Lordship, that one of the four British subjects, (Mr. Hargreaves Cobham) has been released and set at liberty, and that I am in expectation of the Maltese, Mr. Rospigliosi, being also shortly discharged from jail. There will then remain Sir John Milley Doyle and Mr. Young, whose trials have been accelerated as far as practicable by the Judge Conservator, and are now in their regular course.

Cases indicative of the feeling entertained against the British both on the part of Government, and on that of its adherents, occur but too frequently.

On the 17th ult. a Field Officer of the police guard riding with an orderly dragoon, met at the entrance of the town, a person riding, whom he discerned he could not mistake as an Englishman, who happened to be walking his horse quietly towards Lisbon. The officer rode at him without provocation, and unexpectedly struck him with such violence, as to break one of his ribs. Though the sufferer was Sir Augustus West, well known as a gentleman of quiet and inoffensive habits, the perpetrator of so cowardly a deed remains as yet unpunished.

On the 8th instant, a young man of the name of Richard Reeves, was roused out of his sleep, and conveyed to prison, without any motive being assigned for it. It is true that I succeeded in getting him out the same evening; but these cases may serve as specimens of the disposition towards us of the party now in power.

I have the honour to be, &c.

The Earl of Aberdeen, K.T.
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

No. 8.

J. R. Matthews, Esq. to Lord Dunglas.—(Received September 5.)

My Lord,

Lisbon, 19th August, 1828.

I beg leave to acknowledge the receipt of your Lordship's despatch of the 30th ultimo, enclosing an extract from a report of His Majesty's Advocate General, relating to the right of reclaiming certain British subjects detained in prison at Lisbon.

In obedience to the commands of the Earl of Aberdeen, I have directed to Viscount de Santarem, a note of which the enclosure is a copy. Such an intimation must, in the present state of these trials, have a most beneficial effect towards preventing any torpid delay in the proceedings, which is to be feared as much from the customary course of things in this country as from the indisposition against the parties.

From the progress of these trials, however, and from the constant stimulus thus kept up, I am encouraged to hope that they will be concluded at the end of this month.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed) J. R. MATTHEWS.

&c.

Enclosure in No. 8.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, 18th August, 1828.

The arbitrary and oppressive treatment experienced by Sir John Milley Doyle and Mr. Young, in the first days of their imprisonment, having excited the most serious astonishment and solicitude of His Britannic Majesty's Government, I have it in command to intimate to your Excellency that the British Government will watch over the safety of these individuals with unceasing vigilance and anxiety, and that it will require full and complete satisfaction and reparation for any injuries contrary to the laws of Portugal, which they may have already sustained, or to which they may hereafter be subjected.

The long detention of these British subjects in prison, arrested merely for supposed crimes of intention, calls, Sir, for your Excellency's interference to obtain that speedy and impartial administration of the laws, which may at the close of their imprisonment avoid any aggravation to the indignities practised upon these unfortunate individuals at the period they were put under arrest.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed) J. R. MATTHEWS.

No. 9.

J. R. Matthews, Esq. to Lord Dunglas.—(Received September 8.)

My Lord,

Lisbon, 23rd, August, 1828.

I have the honour to inclose a translation of the sentences passed on Sir John Milley Doyle and Mr. Young, by the British Judge Conservator. They pass this day into the Tribunal da Relacao, where it is expected they will be confirmed without much delay. Upon these grounds I have ventured to state in my former reports upon these cases, that these British subjects would be released before the end of this month.

Sir John Milley Doyle is sentenced to leave Portugal in eight days after his release from jail with costs.

Mr. Young is sentenced to sign a bond not to meddle directly or indirectly with the political questions of this country, and to costs.

Should any satisfaction or reparation be henceforward required in these cases, where our Judge Conservator, who has been one of the most active agents in favor of the establishment of Don Miguel, has consulted perhaps more the impression of this Government than a just interpretation of the laws, it is at all events essential to obtain the release of the parties from prison with the least delay possible and without appeal for the present, leaving it hereafter to be established whether the sentences are grounded on the evidence, and what is the degree of undue severity that has been practised upon these British subjects. I have the honour to be, &c.

Lord Dunglas,

(Signed) J. R. MATTHEWS.

&c. &c. &c.

P.S. The Tribunal of the Relação has referred these trials to a temporary Tribunal of the Casa da Supplicação instituted on the 15th instant for State Crimes.

No. 10.

J. R. Matthews, Esq. to Lord Dunglas,—(Received September 11.)

My Lord,

Lisbon, 30th August, 1828.

The court of justice instituted to supersede the Relação in the trial of political cases, is a commission of the superior tribunal of the Caza da Supplicação; a similar court was established some years ago called the Tribunal d'Inconfidencia, and styled the Political Inquisition. Among the present judges is seen the name of one of the false witnesses in the trial of the peers before the dissolution of the chambers. The third meeting of this new court was this day. In the two first legal forms were absurdly introduced so as to prevent any decision on the appeals made on the sentences passed by the judge conservator on Sir John Milley Doyle and Mr. Young, and I regret much to have to acquaint your Lordship, that to-day these cases were not even brought forward, notwithstanding no plea of that nature could be alleged, notwithstanding the strong remonstrances made me to this Government by order of His Majesty's Principal Secretary of State, against any unnecessary deviation from the course of the law of Portugal, and the consequent detention in jail of these British subjects, and notwithstanding the different private communications I have made on this subject (the last of which I beg leave to enclose under No. 1 and 2.) The sentence, passed in these cases are mere emanations from the superior Government, and, as your Lordship may have perceived, I have not neglected to express the deeply interested and anxious solicitude of His Majesty's Government for the speedy conclusion of these trials, in the full expectation that some importance would be attached to the intimations of the British Government, and some value put on the friendly disposition of the same. How far that has been the case may be better appreciated by the result than I can pretend to represent.

I can conscientiously state that every thing that can be devised by verbal and written communication has been resorted to by me to obtain a speedy conclusion of these trials: but, a rooted hatred in the party that now governs against everything Protestant and British, leads this Government on to venture the greatest chances in the expectation of blinding our understanding with subterfuge, or of surprising our generosity.

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Some weeks I regret to state must now elapse before I can again hope to see Sir John Milley Doyle and Mr. Young restored to liberty.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

No. 11.

J. R. Matthews, Esq. to Lord Dunglas.—(Received September 13.)

My Lord,

Lisbon, 6th September, 1828.

I have the honour to acquaint your Lordship that the trials of Sir John Milley Doyle and of Mr. Young are concluded. The Commission da Supplicação has not confirmed the sentences of the British Judge Conservator. Both Sir John and Mr. Young are to be sent afloat to-morrow, on board the packet probably, and are condemned to leave Portugal. The case is severe with Mr. Young, who has a family in this country.

The correspondence, of which the enclosure is a copy and translation, will show that nothing but the conviction of going too great lengths with His Britannic Majesty's Government, would move the Government of this country, notwithstanding the remonstrances and intimations made through me by command of His Majesty's Principal Secretary of State.

The account I have given above of the sentences passed upon these British subjects has reached me this night through a private channel, for my applications to the Minister of State for information on the transactions of the commission have produced me none whatever, though the extraordinary meeting of this commission in virtue of the decree, was concluded at about one o'clock this day.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure 1 in No. 11.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, 3rd September, 1828.

Three months have nearly elapsed since I first had the honour of addressing your Excellency on the imprisonment of Sir John Milley Doyle and Mr. Young. After unceasing exertions on my part, the Judge Conservator, supported by a decree, ventured to call into his own court the trial of these British subjects, where notwithstanding the inventive faculties of the witnesses collected against them, no crime has been attached to Mr. Young, and Sir John Milley Doyle is charged with a mere criminality of intention.

In the supposition that it is strictly legal, that cases, where no crime can be substantiated, should pass the revision of a superior tribunal, your Excellency will be pleased to remark that the Judge Conservator passed his sentence on each of these cases on the 20th of August last, in full time to be revised by the Relacao, which court referred it (inconsistently with the course contemplated, at least by our Treaties) to a new commission. This commission sat three times before the close of the term, and the trials of these

British subjects were not even taken into consideration, by which neglect a wanton persecution of another month's imprisonment is practised upon these individuals, as no meeting of this commission is expected till the 20th instant.

I have unremittingly made every effort to convince your Excellency, of the great importance that His Britannic Majesty's Government must attach to the fate of these British subjects, in the expectation that it might be worth the consideration of the Portuguese Government to secure by expedition the friendly disposition of the British Government, and that an importance so unequivocally expressed would not be thrown aside. This want of courtesy to a Government, who can do all to oppose, as well as all to favour, has produced that direct and positive intimation I had the honour to make, by command, to your Excellency, on the 18th ultimo. Yet that communication, even, has been treated with neglect; for, as these British subjects were then known to be without crime, there was a full and fair opportunity to prove by the conclusion of the trial that some regard was paid to the earnest anxiety and open declarations of the British Government. To the existence of an opposite spirit will naturally be attributed this obstinate prolongation of imprisonment for a period, not intended to be less than to the 20th instant, and supposed legal forms, or pretended judicial etiquettes, will make but a bare cloak for these delays, where it is known that in cases of this nature every decision is an emanation from the superior Government. It is with deep regret, that I perceive that I have not succeeded in impressing upon your Excellency the necessity of bringing these trials to an immediate conclusion, or in making you sensible of the unavoidable consequences of compromising the British Government with the public; I will, for the present, therefore, limit my request to the favour of your Excellency's interference to obtain, what cannot well be denied in justice under their circumstances, that Sir John Milley Doyle and Mr. Young be allowed to come out on bail, and any security that can reasonably be expected will be given for their appearance when required.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure 2 in No. 11.

The Viscount de Santarem to J. R. Matthews Esq.—(Translation.)

Sir,

Lisbon, 6th September, 1828.

In answer to your note, in date of the 3d instant, I must observe to you that, however subject to the judicial power these British subjects may be, who form the object of your said note, this ministry and that of justice, have held the most frequent communications relating to these individuals, and all tending entirely to better their actual situation. The definitive order passed to the Chancellor, who serves as the Regidor, which appears by the copy, under No. 1, for the trials of these individuals not to be delayed on any account beyond legal necessity and the other to the same Chancellor, as by copy, No. 2, that notwithstanding the holidays, the tribunal of the Caza da Supplicação be opened extraordinarily

to take cognizance of and to judge the appeal that was made by the Judge Conservator in that instance, in conformity with the laws of the kingdom, will shew you how much the Government of His Majesty has desired to shorten the conclusion of those pending trials.

As for the last part of your note, I will make it known to the Minister of Justice, as it is a subject foreign to this department.

God preserve you.

J. R. Matthews, Esq. (Signed) **VISCOUNT DE SANTAREM.**
 &c. &c. &c.

Sub-Enclosures in No. 11.—(Translation.)

To John de Mattos e Vasconcellos Barbosa de Magalhaes.

Palace of Necessidades.

Most Illustrious and Excellent Sir,

1st September, 1828.

The King our Lord is pleased that the criminal trials of the two British subjects J. M. Doyle and W. Young, that were referred to the *Caza da Supplicação*, should, on no account whatever, be delayed beyond the legal term; which I communicate to your Excellency for your knowledge, and that it may be put into execution.

God preserve your Excellency.

(Signed) **LUIS DE RIO MENDOUCA.**

To the same.

Palace of Necessidades, 2nd September, 1828.

No. 2.—The trials of J. M. Doyle and W. Young having gone up by appeal from the British Conservatorial Court, to the *Caza da Supplicação*, the King our Lord is pleased, that notwithstanding the actual holydays, the said trial should continue and be judged, opening for this effect extraordinarily, if it be required, the *Caza da Supplicação*; which, by order of the same August Lord, I communicate to your Excellency for your knowledge, and that you may give the necessary orders for this royal determination to be executed.

God preserve your Excellency.

(Signed) **LUIS DE RIO MENDOUCA.**

A true copy,

Antonio A. d'Abreu.
Castello Branco.

No. 12.

J. R. Matthews, Esq. to Lord Dunglas.—(Received September 16.)

My Lord,

Lisbon, 8th September, 1828.

I have the honour to transmit herewith to your Lordship a translation of the sentence passed on Mr. William Young, by the *Commissao da Supplicação*. That of Sir John Milley Doyle, which is said to be similar, not having yet been sent to me. Both sentences were executed yesterday, by a scrivener accompanying the two prisoners separately on board His Majesty's Packet the *Magnet*, where they enjoy free security under the British flag.

As I have reason to expect that, in the analysis of these trials, the sentences will not be found grounded on evidence, consequently not in conformity with the laws of Portugal, and as in the energetic sense of continued solicitude on the part of His Britannic Majesty's Government, on the subject of these trials, I intimated, by order of His Majesty's Principal Secretary of State, to the Portuguese Government, that full and complete satisfaction and reparation would be required for any injuries contrary to the laws of Portugal, which these British subjects might have already sustained, or to which they may hereafter be subjected, I beg leave to acquaint your Lordship, that I shall feel it incumbent on me to protest against these sentences, so that the right of reclamation hereafter, if found necessary, may in no way be invalidated.

I have, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure in No. 12.

Sentence passed on Mr. William Young, by the Tribunal styled the Commissao da Supplicacao.—(Translation.)

Lisbon, 6th September, 1828.

Decreed in Relacao, &c.—That it was not well judged of the Dezembargador Judge Conservator of the British nation, to condemn the prisoner William Young only to sign the bond mentioned in his sentence; they revoke, having seen the acts or papers of the trial, as it is proved by the same, and by the witnesses of the summary enquiry, that the accused had publicly spread false and alarming news in the town of Rio Maior, on the occasion that the faithful troops were marching by there, in the direction of this capital, persuading that other faithful troops in the capital had taken the part of the rebels, from which very contrary consequences might have arisen to the service of the said Lord, affecting the good spirit of the loyal troops; it is evident that the prisoner must suffer a punishment corresponding to his crime.

Therefore, they condemn the prisoner to sign a bond never to return to these Kingdoms and its dominions, and that he shall be conducted as a prisoner on board ship, to be taken out of this Kingdom, under the penalty of being punished according to the laws of the Kingdom, if he returns to it or its dominions, and to pay costs.

(Signed)

SOVERAL.
ORNELLAS.
CARNEIRO.

CASTRO HENRIQUES.
MACEDO.
PALHA.

No. 13.

J. R. Matthews, Esq. to Lord Dunglas.—(Received September 30.)

My Lord,

Lisbon, 20th September, 1828.

I have the honour to transmit to your Lordship a copy of the correspondence that has passed between Viscount Santarem and myself on the arrest of a British subject Mr. Marcos Ascoli, a merchant, established at Lisbon, who on leaving this port for Gibraltar, with due passports, was taken out of the vessel and imprisoned in the

tower of Belem, and from thence immured in a secret dungeon to eriminate him, if possible, by insidious questions. No communication whatsoever is allowed him either with his friends or his family since the 14th instant, nor can any surmise be made on the cause of such unjustifiable severity.

I have the honour to be, &c.

Lord Dunglas.

&c. &c.

&c.

(Signed) J. R. MATTHEWS.

Enclosure 1 in No. 13.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, 16th September, 1828.

Mr. Marcos Ascoli, a British subject, established in Lisbon, having taken out his passports in due order, was proceeding to Gibraltar on private family business in a Portuguese hiate, when at Belem he was taken from the vessel and imprisoned in the tower. This extraordinary proceeding was communicated to me some hours after the arrest on the 14th instant, when I applied immediately to the Police for information, and it is only this morning that I have been able to obtain the certainty of the order for his arrest, not having proceeded from the Police but from the Secretary of State's office. I lose no time therefore to apply to your Excellency that you may be pleased to acquaint me with the motives which can have caused so unprecedented a measure after Mr. Ascoli had gotten his regular passports, and had fulfilled every form required by law before the public authorities, and why a British subject in the act of leaving this country should be thus detained. The violence committed thereby against every apparent principle of internal administration as well as of public law, convinces me that your Excellency will favour me with every information as to the motives of such a measure, and will cause, if possible, the necessary orders to be given without delay for the release of Mr. Marcos Ascoli.

I have the honour to be, &c.

Viscount de Santarem.

(Signed) J. R. MATTHEWS.

Enclosure 2 in No. 13.

Viscount de Santarem to J. R. Matthews Esq.—(Translation.)

Sir,

Foreign Office, 16th September, 1828.

To be able to obtain the necessary information respecting the imprisonment of Mr. Marcos Ascoli, British subject, which forms the subject of your letter in date of this day, I require you should tell me by which of the Secretaries of State the order for his imprisonment was issued, as it was not by the police.

God preserve you.

J. R. Matthews, Esq. (Signed) VISCOUNT DE SANTAREM.

&c. &c. &c.

Enclosure 3 in No. 13.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir, *Lisbon, 18th September, 1828.*
 The Intendant-General of police having referred me to the offices of state for the source of the imprisonment of Mr. Marcos Ascoli, your Excellency in answer to my application, requests me to point out that office of the Secretaries of State from which this order emanated. On a new application at Belem, this British subject is stated to be imprisoned at the order of the Intendant-General of police, when at his office nothing is said to be known about the case.

I need not represent to your Excellency the effect that must be produced on His Britannic Majesty's Government by this apparent mode of trifling with the liberty of a British subject, who has duly fulfilled every call of the laws of this country, and obtained his regular passports; but who is now I find without known motive confined in a secret dungeon, secluded from his family and friends for the purpose of extorting answers from him so as probably to criminate him by coercion.

If every means of administrative security without violation of Treaties were not at the disposal of this Government, through the British Judge Conservator, some plea might be adduced for persevering in the course adopted; but your Excellency must permit me to remark that it could hardly have been expected that after the anxious solicitude so recently evinced by His Britannic Majesty's Government in two known cases, I should in my efforts to obtain any knowledge on the imprisonment of Mr. Marcos Ascoli, or to have any communication with him, be subjected to such a system of elusion.

I have the honour to be, &c.

Viscount de Santarem.

&c. &c. &c.

(Signed) J. R. MATTHEWS.

No. 14.

John Backhouse Esq. to J. R. Matthews, Esq.

Sir, *Foreign Office, 24th September, 1828.*
 I am directed by the Earl of Aberdeen to enclose to you the copy of a letter which he has received from Mr. J. H. Noble, representing the circumstances under which his son has been arrested and imprisoned by the Portuguese authorities at Oporto; and, referring you to the instructions conveyed to you by Lord Aberdeen's direction on the 30th July last, I am to desire that you will require from the Portuguese Government for Mr. Noble, a speedy and impartial administration of justice, and that you will report to me the result of the steps which you may take in Mr. Noble's behalf.

I am, &c.

J. R. Matthews, Esq.

(Signed) J. BACKHOUSE.

Enclosure in No. 14.

Mr. J. H. Noble to the Earl of Aberdeen.

Blandford Place, Pall Mall.

24th September, 1828.

My Lord,

By the post of this morning I have learnt, with very great surprise and anxiety, the imprisonment of my son at Oporto; a copy of his letter to my brother in the Home Department making this communication, I beg leave to lay before your Lordship, and to assert, which I can confidently do, that my son, who is just entering into life, has invariably kept himself entirely free from all interference in the late political struggles in Portugal.

The arrival of the Marquis of Palmella, and the other individuals from this country, naturally excited the curiosity of *all descriptions of persons*, and my son may, as he says, have formed one among the many English and other foreigners who were collected on that occasion, but if this be the charge against him, as he was informed by a Portuguese lady it was, all who were present, foreigners as well as natives, were equally amenable to the Alçada.

Under these circumstances, I lose no time in applying to your Lordship for that protection which, as a British subject, I feel my son is entitled to claim; and I am persuaded that the representation of so gross an outrage as has been committed by an officer of the Portuguese Government, upon an unoffending Englishman, will meet with every possible attention from your Lordship.

Your Lordship, I think, cannot but be aware of the state of the Law Courts of Portugal even in ordinary times, and that at such a moment as the present, even less of justice and of equity can be expected, more particularly in cases of political charges which may arise from personal motives, the names of the accusers not being divulged.

Your Lordship will naturally imagine the anxiety of mind under which I labour, but I have some relief in placing my son's case under your Lordship's protection.

I have the honour to be, &c.

The Earl of Aberdeen, (Signed) JOHN HATT NOBLE.
&c. &c. &c.

Sub-Enclosure in No 14.

Mr. C. H. Noble to R. H. Noble, Esq.

My dear Uncle, *Oporto Prison, 13th September, 1828.*

You will be surprised to see from whence this letter is dated, but without any comment I will plainly tell you my story.

Last Wednesday, as I was going to make an entry of the brig *Kingscove* at the Consul's office, a person came to me, and asking me if I was Mr. Noble's son, he begged me to accompany him, and another person, to the President of the Alçada, who wished to speak to me. I believed what the man said, and accordingly I went with them, until I came near this place, and then he asked me

if I could read Portuguese, and handed me at the same time an order for my imprisonment. I protested against it, but without any hope of doing the least good thereby. The order was from the Alcada, instead of coming from my own Conservator, as our Treaty specifies, and without knowing what is my crime, although this is the third day.

The Alcada told a Portuguese lady my crime was "coming from Leca the day the *late heroes* entered in the *Belfast*, and that I have four witnesses against me. Every body until lately could go five leagues out of the city without a passport. Leca is about one and a half, so that cannot do me much harm; but here I shall be detained until an order comes from England for my deliverance, the same as for Sir John Doyle and Mr. Young.

The Consul has behaved well from all accounts, and used very strong language. To-morrow morning I am to be removed to the Castle at St. John's, which will be better than this dirty place.

I need not add more, as you will know what had best be done in London, and I trust you will use your influence to get me liberated. Pray excuse the writing, as it is penned on my knees.

I am, my dear Uncle, &c.

(Signed) CHARLES HENRY NOBLE.

R. H. Noble, Esq.

&c. &c. &c.

No. 15.

J. R. Matthews Esq. to Lord Dunglas.—(Received October 9.)

My Lord,

Lisbon, September 27, 1828.

I regret to have to acquaint your Lordship, that Mr. Charles Henry Noble, the son of Mr. John Hatt Noble, now absent, was arrested at Oporto, on the 10th instant, by order of the Alcada, sent thither in virtue of a recent decree, to take cognizance of, and to try crimes of a political nature. Subsequently to this occurrence, the whole property of Mr. John Hatt Noble has been sequestered by order of the same Alcada, and an injunction laid upon his partner not to divert any of his goods or chattels.

The absence of a British Judge Conservator at Oporto, by the erasure of the name of Mr. Alexander Moraes Sarmento, from the list of Judges, makes it more difficult to rescue the case from the grasp of a tribunal, which in the very decree of its institution is stated to have to pay itself from the confiscations it may make, and it will be an ungrateful task to form a correct opinion of its merits without the decision of our Magistrate, by his sentence in the first instance.

It has been submitted to me, how far under the present Government of Portugal, the appointment of a new Judge Conservator at Oporto might lead to an indirect compromise of recognition *de jure*. Without venturing to decide the question, I have merely expressed an opinion, that the appropriation of one of the Judges to a particular service by the Prince or Sovereign of the country could not move the question, as it was not done in relation to the commission of a foreign Sovereign, as in the case of an Exequatur for a Consul, or a Vice-Consul; but I will beg leave to lay the point before your Lord-

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ship, that I may be prepared to meet the queries of the British residents at Oporto, should they discover a Magistrate not absolutely devoted in blind obedience to the will and dictates of the Government of this country, and they should wish to elect him.

I beg leave to enclose Copies of two notes I have written to Viscount de Santarem on the subject of the arrest of Mr. Charles Henry Noble, and on the sequestration of the father's property, to which I have had the verbal answer, that an account of the transaction had been asked of the Alçada at Oporto.

I have the honour to be, &c.

Lord Dangles.

&c.

&c.

&c.

(Signed)

J. R. MATTHEWS.

Enclosure 1 No. 15.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, September 15, 1828.

I am informed from Oporto that on the 10th instant, Mr. Charles Henry Noble, the son of Mr. John Hatt Noble, who is absent, was there arrested and conveyed to the Relação jail, by order of the President of the Alçada.

It is with deep regret that I see in the arrest of so young a man a continuation of the same principle of action which has already excited the earnest solicitude and animadversion of His Britannic Majesty's Government in the cases of Sir John Milley Doyle and Mr. Young. I trust, therefore, your Excellency will be pleased to take into consideration the importance of this event, and will avert by the early release of this youth, who can have no connexion with the politics of this country, the repetition of those intimations of the British Government which can have but a most serious endency.

Viscount de Santarem.

&c.

&c.

&c.

(Signed)

J. R. MATTHEWS.

Enclosure 2 in No. 15.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, September 22, 1828.

Since I had the honour of addressing your Excellency on the subject of Mr. Charles Henry Noble, imprisoned at Oporto, I have ascertained that he is a minor, and acknowledged as such by the same Alçada that ordered his arrest. Any further detention of a British subject under these circumstances must inevitably throw reflections on the proceedings of this Government, which it is the interest of your Excellency to avert. It is fair, therefore, to surmise, that your Excellency will be pleased to forward the means of causing Mr. Noble, jun. to be set at liberty without delay.

As to the sequestration of the property of Mr. John Hatt Noble, reported to me by the post of this day, your Excellency must be pleased to remark, that so hasty and unjustifiable a measure on the property of a British subject who has not sworn allegiance to the Government of this country will involve many a serious question, and is inconsistent with precedent as it is with the

dictates of public law, and more particularly so, when the date of the period for which the charges are supposed to be made, would justify obedience to that order of things acknowledged by all Europe, and not then publicly disavowed by the Government of this country through the means of any public document.

Viscount de Santarem. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

No. 16.

J. R. Matthews, Esq. to Lord Dunglas.—(Received October 9.)

My Lord,

Lisbon, 27th September, 1828.

Finding my written communications respecting Mr. Marcos Ascoli to produce no effect towards releasing him from the secret dungeon, I waited upon the Intendant General of Police, under whose order I at once discovered that he was; and after many remonstrances, I obtained from him, on the 22nd instant, that he should be taken out of the dungeon that day, or the following at latest, that he would write to the magistrate at Belem, to finish his questions forthwith, and that the whole trial should be sent to the British Judge Conservator.

On the 24th, the relatives of this unfortunate British subject applied to see him, but in vain. I claimed the execution of the promise of the Intendant General of Police, and received an immediate answer, that the magistrate had not yet finished the questions he had to make, and that in consequence he could not be released from the dungeon.

This confirms my statement of a system of torture being adopted here to extort answers from prisoners, that may criminate them and others, even in the face of the most solemn promises; this may prove that the ostensible government of this country is without authority, and that the system of persecution proceeds, from a root of which, the Intendant of Police is a principal branch; and this will shew the deplorable inefficacy of applications, even of the tenour of those I hesitate not to make to them. The only document I have been able to obtain from this ostensible Government, after this Mr. Ascoli has been lingering fourteen days in a secret dungeon, is a note from Viscount Santarem of this days' date, to acquaint me that the Minister of Justice had, on the 24th instant, written to the Intendant General of Police, to request information on the motives of his arrest.

I regret also to have to state, that the trial of Rospigliosi is not yet concluded, and that he has been transferred to an inferior prison, at the Castle of San Julian.

I have the honour to be, &c.

Lord Dunglas. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

No. 17.

Lord Dunglas to J. R. Matthews, Esq.

(Extract.)

Foreign Office, 1st October, 1828.

Your dispatch of the 20th September has been received, in which you enclose your correspondence with the Viscount de Santarem, respecting the arbitrary arrest of a British subject named Marcus Ascoli. I am directed by Lord Aberdeen to acquaint you that he approves of the steps which you have taken in this transaction, and to desire that you will repeat your representations to the Portuguese Government, until this gentleman shall have been brought to trial.

If he should be brought to trial and acquitted, or if he should be liberated from prison without any charge having been brought against him, you will require, in the name of your Government, ample compensation for the unjustifiable proceedings which have been adopted towards him, and you will not cease to claim such compensation until it shall be granted.

I enclose to you a copy of a representation which Lord Aberdeen has this day received from Mr. Noble, giving further details of the harsh measures which appear to have been pursued by the authorities of Oporto towards his son, and also announcing the sequestration of his property. I have only to refer to the instructions which you have already received on this case, and by which you are directed to do all in your power to procure for Mr. Noble a speedy and impartial administration of justice.

You will take the opportunity of informing the Viscount de Santarem, that His Majesty's Government will not permit that British subjects should be injured with impunity, and that if both satisfaction and compensation are not speedily given in every case in which you have been, and are now directed to demand them, orders will be given to exact by force that satisfaction which the Portuguese Government have refused to grant to your repeated remonstrances.

In order that there may be no doubt of the intentions of His Majesty's Government upon this subject, you will read this dispatch to the Viscount de Santarem, and will furnish him with a copy of it, if his Excellency should express a wish to that effect.

I am, &c.

J. R. Matthews, Esq.

(Signed)

DUNGLAS.

&c. &c. &c.

Enclosure in No. 17.

*Mr. John Hatt Noble to the Earl of Aberdeen.**Blandford Place, Pall Mall,*

My Lord,

1st October 1828.

I AM extremely concerned to acquaint your Lordship that persecution is now carried to the greatest extent in Portugal.

Not content with the imprisonment of my son in the common jail of Oporto, without his being heard or any reason assigned for it, as I informed your Lordship in my letter of the 24th ultimo, the Alcada (special commission) has in the same illegal way directed my property to be sequestered, and officers put the order in force on the 16th of last month, without, as far as I can learn from my letters, having given the least notice to my family, without the necessary order from the individual acting as British Conservator, and without the necessary assistance of the British Consul, as *specially* directed in the various Treaties between this country and Portugal.

I once more throw myself on your Lordship's protection, and I trust that this gross outrage on the property of a British subject will claim that immediate attention it requires.

I have the honour to be, &c.

(Signed)

JOHN HATT NOBLE.

The Earl of Aberdeen, K.T.

&c. &c. &c.

No. 18.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Oct. 23.)

(Extract.)

Lisbon, 4th October, 1828.

I beg leave to transmit herewith to your Lordship a copy of a note I sent on the 1st instant, to Viscount de Santarem, on the detention of Mr. Marcos Ascoli, a British subject, now immured since twenty-two days in a solitary dungeon, for the acknowledged purpose of extorting answers from him, and also a copy of one to the same Minister on the further imprisonment of Mr. Rospigliosi.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

Enclosure 1 in No. 18.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, 1st October, 1828.

I had the honour to state to your Excellency on the 25th ultimo, that the Intendant General of Police, notwithstanding the promise given to me on the 22nd, that Mr. Marcos Ascoli should be released from the secret dungeon on the 23rd at latest, and that his trial should, without delay, pass into the British Conservatorial Court, had acquainted me without further explanation that the questions to be made to this British subject prevented his being released from the dungeon, and trusting to the effect of that interference which your Excellency then stated, and which you have since confirmed in your note of the 27th, to have undertaken through the ministry of justice, I have been in daily expectation of the result of this compromise of the Government of this country in

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a matter effecting so immediately its foreign relations. Yet this persecuted individual is, after nineteen days confinement in a secret dungeon, still detained in the same, in spite of all my applications grounded on Treaties, in spite of the very laws of Portugal, and in defiance of those remonstrances so earnestly and so energetically made by His Britannic Majesty's Government.

In the execution of my public duties, I have conscientiously taken every means to obtain the fair application of the laws, and to avert the serious consequences that must arise from such arbitrary acts of persecution, and the mode of trifling with the liberty of British subjects, that has evidently been followed in this case; and I need not represent to your Excellency the effects of the dismaying facility with which formal promises are set aside, and of the apparent contempt with which those Conventions are treated that are held sacred among nations, on the grounds of which, connected with the due execution of the laws of Portugal, the British Government has lately, in so unequivocal and solemn a manner, expressed its positive determination.

I have the honour to be, &c.

Viscount de Santarem, (Signed) J. R. MATTHEWS.
&c. &c. &c.

Enclosure 2 in No. 18.

J. R. Matthews, Esq. to Viscount Santarem.

Sir,

Lisbon, 4th October, 1828.

It is with much regret I have again to appeal to your Excellency on the subject of Guido Rospigliosi, a British subject, who, on supposed crimes, has been confined in prison ever since the 5th of June, and condemned by the Judge Conservator, but whose trial instead of being concluded by the *Commissao de Supplicacao*, as might have been expected from the earnest remonstrances of the British Government, appears to be set aside; this unfortunate prisoner having been removed from the *Aljube* into a damp prison at Fort St. Julian.

This aggravation of persecution, practised upon His British Majesty's subjects, appears so extraordinary after the repeated declarations of the British Government, that it is impossible to account for such proceedings on the ground of expediency: your Excellency must therefore see that they can only be considered in the light of a dereliction of every principle of regard and good faith towards the British Government, and as a determination to delay and pervert justice for purposes that become self-evident.

The speedy conclusion of this trial can alone remove part of this impression, which I hope your Excellency will be pleased to accelerate by every means in your power.

I have the honour to be, &c.

(Signed) J. R. MATTHEWS.

Viscount de Santarem,
&c. &c. &c.

No. 19.

*Lord Dunglas to J. R. Matthews, Esq.*Sir, *Foreign Office, 8th October, 1828.*

I am directed by the Earl of Aberdeen to acknowledge the receipt of your despatches to the 20th September inclusive.

His Majesty's Government continuing to receive further representations on the subject of the arrest of Mr. Noble at Oporto, I am directed by Lord Aberdeen to refer you to your instructions of 24th ultimo and 1st instant, directing you not to cease to use your best endeavours to procure for this gentleman a speedy and impartial administration of justice.

I have the honour to be, &c.

J. R. Matthews, Esq.

(Signed)

DUNGLAS.

&c. &c. &c.

No. 20.

*J. R. Matthews, Esq. to Lord Dunglas.—(Received October 24.)*My Lord, *Lisbon, 11th October, 1828.*

I have the honour to enclose to your Lordship copy and translation of a note I received from Viscount Santarem on the subject of Mr. Marcos Ascoli, in date of the 6th instant, acquainting me that an order had already been issued for the transmission of his trial to the British Judge Conservator, consequently implying his release from his secret dungeon at Belem.

Notwithstanding the repeated assurances, however, of the Intendente of Police of the 23rd ultimo, and the abovementioned communication on the part of the Government of this country, this individual is, at this date, still confined in the same dungeon, and all communication with him forbidden.

A copy of my answer follows; and it is much to be regretted that the personal liberty of British subjects should be thus at the mercy of the arbitrary sway of one part of the Government, though this occurrence exposes the disunion and the inefficiency of the other.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

Enclosure 1 in No. 20.

*Viscount Santarem to J. R. Matthews, Esq.*Sir, *Lisbon, 6th October, 1828.*

According to information I have received from the Minister of Justice relative to Marcos Ascoli, British subject, on whose imprisonment you have written to me, I can inform you that this individual being involved in a process with other Spanish criminals, with whom he has had relations, he has been ordered with his

process to be delivered over to the Judge Conservator of the British nation.

I have the honour to be, &c.

J. R. Matthews, Esq. (Signed) **VISCOUNT SANTAREM.**
&c. &c. &c.

Enclosure 2 in No. 20.

J. R. Matthews, Esq. to Viscount Santarem,

Sir,

Lisbon, 9th October, 1828.

It falls to my unpleasant duty to acquaint your Excellency that the order, which you were pleased to say in your note of the 6th instant was already given, to transfer the trial of Mr. Marcos Ascoli into the hands of the British Judge Conservator, has either not been given, or is disobeyed, for Mr. Ascoli is still in the Segredo, and I am informed by application at the prison that he is still detained there on the order of the Intendant General of Police, who more than a fortnight ago gave me his solemn promise he should be released from his dungeon the next day.

As your Excellency cannot help perceiving the dignity of your own station compromised by so elusive a system of irony, as has been practised in this case, I deem it sufficient to bring this to your knowledge to obtain the execution of the order by which Mr. Marcos Ascoli is to be placed in the hands of the British Judge Conservator.

I have the honour to be, &c.

Viscount Santarem, (Signed) **J. R. MATTHEWS.**
&c. &c. &c.

No. 21.

Lord Dunglas to J. R. Matthews, Esq.

Sir,

Foreign Office, 15th October, 1828.

I am directed by the Earl of Aberdeen to acknowledge the receipt of your despatches to 27th September inclusive.

In consequence of a despatch from Mr. Consul Crispin, relative to the arrest at Oporto of Mr. Noble, junr. and to the sequestration by order of the President of the Judicial Commission established in that city, of the property of Mr. Noble, senior, Lord Aberdeen desires me again to call your attention to both these transactions.

The sequestration of the property of a foreigner in the absence of any known criminal accusation against him, appears to be a measure of great hardship and injustice. You will lose no time in again bringing these cases in their strongest light before M. de Santarem, and will point out to him the injustice in delaying to produce the charges which, according to the laws of Portugal, may justify the measures which have been adopted towards Mr. Noble and his son.

I have the honour to be, &c.

J. R. Matthews, Esq. (Signed) **DUNGLAS.**
&c. &c. &c.

J. R. Matthews, Esq. to Lord Dunglas.—(Received October 28.)

(Extract.)

Lisbon, 18th October, 1828.

I beg leave to offer your Lordship my thanks for the despatch you did me the honour to write to me on the 1st inst. directing me to communicate it to Viscount Santarem, and to furnish him with a copy of it, should His Excellency express a wish to that effect.

In an interview I had yesterday, by appointment with Viscount Santarem, I fulfilled part of your Lordship's instructions, having the day previous sent to His Excellency the notes, a copy of which I beg leave to enclose, on the subject of Mr. Marcos Ascoli, Sir Augustus West, and Guido Rospigliosi, begging leave to state that the basis of the accusation of the latter, is an anonymous paper without date, which may have been framed since his arrest, and a declaration of one witness among sixteen, on which our Judge Conservator, one of the most active agents of the present Government of this county, has not hesitated to sentence him to costs, after four months imprisonment, and to be sent out of the country.

To prevent British interests and persons becoming the victim of this, the use of the language of positive firmness will be proper, which your Lordship's despatch now more fully authorises me to bring into action.

The effect of the communication of that despatch will, I hope, be as lasting as its immediate results have been satisfactory. I intimated to Viscount Santarem that if Mr. Ascoli was still detained in the secret dungeon at the departure of the packet, I would not answer for the consequences of protracting a system so unintelligibly absurd, and so offensive to a Government from which they had all to fear and all to hope. He again repeated that he had on his part done and would do every thing in his power to bring this affair to its proper conclusion; but as for to-morrow, it was extremely difficult to take any measures. I stated he would have to answer for the consequences. He talked of a Council of Ministers, which may have been suddenly convened and held last night, and the first result of your Lordship's despatch is a communication from Viscount Santarem, which has reached me this morning, of which, and of its enclosures, I beg leave to transmit a translation.

Not trusting to these declarations after such a series of evasive falsehood as has been practised with me in this case, I have requested Mr. Philipps, British Vice Consul at Belem, to try to communicate with Mr. Ascoli, and he reports to me that he was admitted to see him, having been released from his solitary dungeon this morning at nine o'clock, and at his request Mr. Ascoli wrote to me the letter of which I beg leave to enclose a copy.

The person who gave the masonic insignia to Mr. Ascoli, for the purpose of denouncing him, is known to have been in the pay of the Police, and to have been the cause of other unfortunate individuals having thus been deprived of their liberty. I will investigate this case thoroughly, and strictly carry into execution the instructions contained in your Lordship's despatch.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS

&c. &c.

&c.

Enclosure 1 in No. 22.

J. R. Matthews, Esq. to Viscount Santarem.

Sir,

Lisbon, 16th October 1828.

The contempt with which my representations in favour of Mr. Marcos Ascoli have been treated by the tissue of tergiversation practised in the face of all my attempts to obtain the legal trial of this British subject, detained in a secret dungeon for more than a month, is of a nature unprecedented in well ordained Governments, and such as to draw upon it the most serious attention of His Britannic Majesty's Government.

The plea of resting an illegal and arbitrary proceeding upon the non-execution of orders by inferior departments of the State will not hold good, and can only be considered in the light of a determined intention to offend, by a repetition of infractions of our Treaties and privileges, by the Government of this country.

The detention of Mr. Marcos Ascoli in a secret dungeon, is not only a violation of the above, but also a wanton abuse of the laws of Portugal, productive of the most serious detriment to the individuals that are the victims of it, and to their families.

I am therefore instructed to acquaint your Excellency that His Britannic Majesty's Government will not permit that British subjects should be injured with impunity, and that if both satisfaction and compensation are not speedily given in every case in which I have been, and am now, directed to demand them, orders will be given to exact by force that satisfaction which the Portuguese Government have refused to grant to my repeated remonstrances.

I have the honour to be, &c.

Viscount Santarem.

(Signed)

J. R. MATTHEWS

&c.

&c.

&c.

Enclosure 2 in No. 22.

J. R. Matthews, Esq. to Viscount Santarem.

Sir,

Lisbon, 16th October, 1828.

It appears that the British Judge Conservator has condemned to exile, from this country, Mr. P. Guido Rospigliosi, upon an anonymous denuncia, and the evidence of one single witness among sixteen, who had nothing to depose against him, and his sentence has been confirmed by the Commissao da Supplicacao.

Without entering into the motives that can have caused a proceeding so foreign to the usual practice of the courts of law where the coincidence of more than one witness is required, I must beg leave to request that no delay may take place even in this mode of restoring to liberty this injured individual, to avoid the extension of the period of suffering to which he has been exposed by his long imprisonment since the 9th of June last.

I have the honour to be, &c.

Viscount Santarem,

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure 3 in No. 22.

*Viscount Santarem to J. R. Matthews, Esq.—(Translation.)*Sir, Lisbon, 18th October, 1828.

I transmit you copy of a despatch addressed to me by the Minister of Justice relative to Mr. Marcos Ascoli, a British subject, and copy of the order sent by that Minister to the Intendant General of Police, directing him to execute the royal orders in the most faithful and exact fulfilment of the Treaties.

From the terms in which the said order is couched, you will observe how desirous His Majesty's Government is to put an end to the irregularity with which, in an inferior department of the Ministry, this business has been carried on.

I had further to apprise you that I have received under date of yesterday, from the Prime Minister (whom I had also addressed) the certainty that the said Marcos Ascoli was already at the disposal of the British Judge Conservator as reclaimed by you,

God preserve you,

(Signed) VISCOUNT DE SANTAREM.

J. R. Matthews, Esq.

&c. &c. &c.

 Sub-Enclosures in No. 22.
*The Minister of Justice to Viscount Santarem.—(Translation.)*Sir, *Secretary of State's Office for the Affairs of Justice.*

In satisfaction to your Excellency's letter of to-day's date just received, enclosing a translation of a despatch from Lord Dunglas to the British Consul in Lisbon, dated 1st instant, relative to the British subject Marcos Ascoli, I have the honour to reply to your Excellency, with the enclosed copy of the Aviso which I have this moment transmitted to the Intendant General of Police respecting the said Marcos Ascoli, and on the subject of the further matters treated of in said despatch, I shall answer your Excellency on another occasion.

God preserve your Excellency.

(Signed)

LUIS DE RIO DE MENDOUCA.

A communication from the Minister of Justice to the Intendant-General of Police.—(Translation.)

Palace of Nossa Senhora das Necessidades,
17th October, 1828.

His Britannic Majesty's Consul in this Court, having represented through the Secretary of State for Foreign Affairs, that the British subject, Marcos Ascoli, who was imprisoned by your order, and who in the Aviso addressed to you on the 30th September last, you were ordered to transfer with his respective process, to the British Judge Conservator, is still in prison, (secret dungeon) at your orders, without having fulfilled that royal determination. As His Majesty cannot but consider the said representation of the British Consul to

be well-founded, he is pleased that you do, without fail, in the course of to-morrow, fulfil the orders contained in the said Aviso of the 30th September. His Majesty blaming you severely for the non-compliance with his Royal Orders, they being, particularly on an object which, you are well aware, interests the honour of His Majesty, that it may not be said that, even in matters of the least consequence, His Majesty does not enforce the execution of the Treaties stipulated with Foreign Nations. His Majesty, moreover, orders, that you report to me in the course of to-morrow, without fail, that you have punctually executed the orders given you in this Aviso.

God preserve you.

(Signed)

LUIS DO RIO DE MENDOUCA.

Enclosure 4 in No. 22.

Mr. Marcos Ascoli to R. Matthews, Esq.

Monsieur,

Belem Prison, 18 d'Octobre, 1828.

Comme je n'avais point des crimes à craindre, ni jamais je ne suis mêlé des affaires politiques de Portugal, je me croyoit garanti par nos Traités, ainsi que ma personne, ma propriété, et l'inviolabilité de mes lettres ; voila pourquoi je me suis délibéré à prendre passage pour Gibraltar, sur un navire Portugais ; mais, malheureusement, j'en suis été le dupe.

Maintenant, me voici mis en prison, et ayant été trente quatre jours au secret, il me fut impossible de m'adresser à vous, pour vous faire part des details qui ont eu lieu dès le moment de mon arrêt.

Dimanche, le 14 de Septembre, la visite de la police vint à bord, et à son arrivée, elle m'amena chez le Ministre de Belem, ainsi que mon bagage. Il me demanda de lui rendre toute ma correspondance. Je la lui délivrai, et elle contenait diverses lettres de recommandation, que j'avais reçu pour des négociants Anglais à Gibraltar, et j'en suis bien sur, qu'on n'en parlait pas d'affaires politiques. Ayant été deshabillé, on me rechercha jusques dans mes bottes, ainsi que mes coffres, mes caisses, enfin on a décousu mes habits, mes matelats, et tout a été fouillé. Après cette grande recherche, on trouva un petit paquet fermé et cacheté, donc j'ignorais le contenu ; en l'ouvrant, j'aperçus une petite collection de bijoux maçoniques, et je l'avais reçu de M. Angelo Marty, maître de Tachigrafie, pour rendre à Gibraltar ; et lui même à ce que je viens d'apprendre, fut celui qui me denonça, à l'Intendant de la Police. Le Ministre ayant recontré les bijoux, il en fit un motif pour m'envoyer en prison. Je lui fis connoître que s'était une arbitrarité ; enfin, le 4^{me} jour, il vint me faire des questions sur la rencontre du bijou, et sur une correspondance supposée ; à tout j'ai répondu. Au 9^{me} jour, il vint de nouveau m'interroger, et je lui ai parlai un peu plus fort, lui disant que le pouvoir de la force me retenait en prison ; mais non mes crimes ; alors me voyant décidé il me fit des questions sur la suivante.

ACCUSATION.

1er. Que j'avais été trésorier de la Loge Vertu dans la rue du Crucifixe ?

Reponse. J'ignore entièrement l'existence de cette loge.

2°. Que je devais rendre compte de tous les papiers maçonniques, carbonaires, et communeiros?

Reponse. Ignorant l'existence des loges, j'ignore aussi où on peut trouver ces papiers.

3°. Que je tenais des fréquentes assemblées chez moi : quelles en étaient les personnes, leurs noms, et demeures?

Reponse. Jamais j'eus des assemblées chez moi, à moins qu'on appellât ainsi, la compagnie de quelques uns de mes amis.

4°. Qu'on avait conspiré pour assassiner le Roi, ou l'empoisonner?

Reponse. J'ignore entièrement cet article.

5°. Quelles étaient les personnes qui dans le mois de Juillet, voulaient attaquer le Palais du Roi, et le poignarder?

6°. Quelles étaient les personnes qui étaient en correspondance avec les prisonniers de la tour de St. Julian, pour manager leur évaison?

7°. Où étaient cachés 200 fusils qui appartenaient au 8me chasseurs?

8. Enfin, qu'on voulait mettre la ville dans une parfaite anarchie?

Mon cher Monsieur, ma main est toute tremblante, je suis encore très malade, ils m'ont volé six pièces en or ; mon bagage est encore en leur pouvoir, et me voici en prison, où je suis malheureusement plongé. Dans peu je vous donnerai des détails plus exacts.

Je vous remercie de tant de peines que vous avez eu avec moi, ainsi qu'avec ma très chère famille.

(Translation.)

Sir,

Belem Prison, October 18, 1828.

Having no crimes to fear, and never having meddled with the political affairs of Portugal, I imagined my person, my property, and the inviolability of my letters guaranteed by our Treaties. For that reason, I determined to take my passage for Gibraltar, on board a Portuguese ship ; but, unfortunately, I have been the dupe of this.

Now I am in prison ; and, having been thirty-four days in secret confinement, it was impossible for me to address you, to inform you of the details of what has occurred since the moment of my arrest.

On Sunday the 14th of September, the police came on board, and took me, with my baggage, to the house of the Minister at Belem. He desired me to give up all my correspondence to him. I did so ; and it contained several letters of recommendation that I had received for English merchants at Gibraltar, and I am very sure that nothing was said in them relating to politics. Having been undressed, I was searched even to my boots, and the same was done with my boxes and my chests ; in short my clothes and mattresses were unstitched, and everything overhauled. After that thorough search, a small parcel was found, shut and sealed, the contents of which I knew not. On opening it, I perceived a small collection of masonic ornaments, which I had received from M.

Angelo Marty, master of short hand, to take to Gibraltar; and he, as I have learnt, was the very person who denounced me to the Intendant of Police. The Minister, having seen the ornaments, made it a pretext for committing me to prison. I gave him to understand that it was an arbitrary act, in short, on the fourth day he came to put questions to me relative to the discovery of the ornaments, and to a supposed correspondence, to all of which I replied. On the 9th day he again came to interrogate me, and I spoke to him somewhat more strongly, saying to him that the power of force, not my crimes, kept me in prison, on which occasion, seeing me decided, he put the questions to me on the following:

ACCUSATION.

1st. That I had been Treasurer of the Lodge Vertu in Cruxifix Street.

Answer. I am entirely ignorant of the existence of that Lodge.

2d. That I must give an account of all masonic, carbonari, and comuneros papers.

Answer. Being ignorant of the existence of the Lodges, I am also ignorant where these papers are to be found.

3d. That I held frequent meetings at my house: what persons were there, their names, and abodes.

Answer. I never had meetings at my house, unless the company of some of my friends be considered as such.

4th. That a conspiracy had been formed to assassinate the King, or to poison him.

Answer. I am entirely ignorant on that subject.

5th. Who were the persons who in the month of July wished to attack the palace of the King and to stab him?

6th. Who were in correspondence with the prisoners in the tower of St. Julian to effect their escape?

7th. Where were the 200 muskets hid, which belonged to the 8th Chasseurs?

8th. In short, that endeavours were made to throw the town into complete anarchy.

My dear Sir, my hand is all of a tremble; I am still very ill; six pieces of gold have been taken from me; my baggage is still in their power; and here am I unhappily cast into prison. I will shortly give you more explicit details.

I thank you for all the trouble you have had with me as well as my dear family.

No. 23.

J. R. Matthews, Esq. to Lord Dunglas.—(Received November 6.)

My Lord,

Lisbon, 25th October, 1828.

I have the honour to acknowledge the receipt of your Lordship's despatch of the 15th instant, and to enclose a copy of two notes I have written to Viscount de Santarem on British subjects arrested, and particularly on the case of Mr. Charles Henry Noble, and the sequestration of the property of his father.

I beg leave to acquaint your Lordship that Mr. Rospigliosi will to morrow be put on board of an English vessel bound to London, by the officers of justice in execution of his sentence to leave this country.

The case of Mr. Marcos Ascoli is now before the British judge Conservator. I have the honour to be, &c.

Lord Dunglas,

(Signed) J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure 1 in No. 23.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon 20th October, 1828.

I have the honour to acknowledge the receipt of your Excellency's note of the 17th instant, with enclosures, relating to the orders issued for the removal into the common jail, of Mr. Marcos Ascoli after his unjustifiable detention in a small secret dungeon for 34 days.

In conformity with the object of my instructions, I beg leave to request your Excellency will be pleased to inform me previous to the departure of the packet, at what period I may acquaint His Britannic Majesty's Government, that the conclusion of the trial of the above British subject, and of all other His Britannic Majesty's subjects confined under political pleas may be contemplated, and whether the restitution of the gold and property illegally taken from Mr. Ascoli, of which he has been deprived during his confinement, though required even for his nourishment, is not intended to take place forthwith.

In requesting this information your Excellency will perceive that it is expected with positive certainty, and not according to the system of judicial or administrative evasion previously adopted, unless this Government wishes to provoke the unavoidable consequence of such a proceeding.

I beg leave to call your Excellency's attention to the note I had the honour to address to you on the 9th instant, respecting Mr. Charles Henry Noble, and on the sequester laid on his father's property: I have there made it clear that the basis laid down by the President of the Alcada is inadmissible by any foreign Government, and I beg leave to repeat to your Excellency, that His Britannic Majesty's Government have expressed the most earnest solicitude in this case, and expect that it will be, without further delay, brought to a fair and unbiassed conclusion, without increasing the compensation for injuries caused by imprisonment and by the sequestration of the property of these British subjects.

I have the honour to be, &c.

Viscount de Santarem,

(Signed) J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure 2 in No. 23.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, 25th October, 1828.

The silence your Excellency preserves on the note I had the honour to address to you on the 20th instant, lays me under the necessity of urging into your most serious consideration, the points therein mentioned, upon which His Britannic Majesty's Government entertains an anxiety so expressed and decided, as to leave no more room for evasion or doubt.

To prevent those measures being carried into effect which appear to be decided upon, this Government should be penetrated with the conviction that the trials of all British subjects arrested in this country should invariably be proceeded upon without the unjustifiable delay followed hitherto, and without the attempt to establish a criminality, as in the case of Mr. Noble, and of his father's property, upon a false basis, upon a principle inadmissible in public law and rejected in toto.

I would beg leave to suggest the propriety of recommending to the President of the Alcada at Oporto, to separate the trial of His Britannic Majesty's subjects from all others, and to be particularly cautious how he attempts to proceed with Mr. Charles Henry Noble, and with the property of his father, and to accelerate the conclusion of the trial of that young gentleman, upon a principle that may not draw upon this country the operation of that force for compensation and satisfaction of which your Excellency has had an intimation, and which never has as yet been held forth in vain by His Britannic Majesty's Government.

I have the honour to be, &c.

Viscount Santarem.

(Signed) J. R. MATTHEWS.

&c. &c. &c.

No. 24.

J. R. Matthews, Esq. to Lord Dunglas.—(Received November 6.)

(Extract.)

Lisbon, 25th October, 1828.

The system of persecution of this Government continues the same, and seventy-four prisoners of different classes were landed three days ago from the Algarves, to be confined in the crowded jails of this metropolis.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 25.

J. R. Matthews Esq. to Lord Dunglas.—(Received November 14.)

My Lord,

Lisbon, 31st October, 1828.

In an interview I lately had with Viscount Santarem, his Excellency expressed great doubts respecting the conclusion of the trial of Mr. Charles Henry Noble according to my expressed desire.

Being fully convinced of the prejudiced indisposition against anything British of every member of this Government, excepting perhaps Count Louzaa and Viscount Santarem, having rejected as inadmissible the charge of high treason laid against that British subject, and being in possession of a statement by himself, how he spent the days in which he was said to have given money to the soldiers of Peter IV., that enables him to prove an alibi. My accounts from Oporto bringing no symptoms of measures being taken to accelerate or even to proceed upon the trial of that gentleman, notwithstanding the communication of your Lordship's despatch of the 1st instant, to Viscount Santarem, I have thought it incumbent on me to write the note, of which I beg leave to enclose a copy, to the Minister of Foreign Affairs, that Mr. Charles Henry Noble may not be the victim of that hostile feeling brought into action with impunity under the cover of the inferior departments of the State.

I hope your Lordship will not find the language of my note too strong; but with such a Government as this, severed into secret sources of power, acting in different directions; but all harmonious in any attempt to use us slightly, it becomes necessary to convince them that their shortsighted policy is exposed to the extent of the limited trust it has pleased His Majesty to place in my hands; for I should consider that it would be the duty of a person who was invested with a representative character, to use much more forcible language, where there is so unprincipled and determined a tendency to sophistry and evasion.

I have, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS

&c.

&c.

&c.

Enclosure in No. 25.

J. R. Matthews, Esq. to the Viscount de Santarem.

Sir,

Lisbon, 30th October, 1828.

The sequestration of the property of a British subject in the absence of any well grounded accusation, and the detention in jail of the son of that individual without bringing him to a fair and impartial trial, unbiassed by those prejudices which tend to disturb the peace and urbanity existing between nations, are measures of severe harshness and injustice. The charges brought forward by the President of the Alcada at Oporto, against Mr. Charles Henry Noble, will, I am fully confident, fall to the ground in the mind of your Excellency, as they must before any upright understanding, after the perusal of the plain and simple statement made by that young gentleman, a copy of which I beg leave to enclose, as to the manner in which he spent his time on the days that the charge is laid against him, of having distributed money to the soldiery. The witnesses mentioned could prove an alibi so positively as to stamp as false and treacherous any attempt to substantiate that charge. The charges against him are however inadmissible on other grounds.

Any further delay in the conclusion of the trial of Mr. Charles Henry Noble will therefore become a dangerous experiment, while tending to injure British subjects with impunity, under the plea of judicial obstructions glaringly introduced to cover intentions of a different nature.

His Britannic Majesty's Government are now fully aware of the

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course pursued in other instances, and cannot be expected to overlook such tergiversation as was exposed in the case of Mr. Marcos Ascoli through the instrumentality of the inferior departments of the State.

The offended dignity of that Government has spoken without reserve as to such low artifices. In the intimation I had the honour to direct to your Excellency on the 16th instant; and if a very different principle of action be not adopted with British subjects, and followed at Oporto as well as at Lisbon without further delay, the determination of the British Government is taken; and your Excellency must expect that immediate justice, satisfaction, and compensation will be obtained by other means for the wanton injuries done to the persons and property of British subjects, and for the disregard shown to His Britannic Majesty's Government.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

No. 26.

The Earl of Aberdeen to J. R. Matthews, Esq.

Sir,

Foreign Office, November 5, 1828.

It is with much regret that I feel myself under the necessity of again addressing you respecting the treatment of certain of His Majesty's subjects in Portugal.

It is difficult to comprehend the motives which can induce the Portuguese Government to persevere in their neglect of our repeated and urgent remonstrances against their infraction of Treaties, as well as their violation of the dictates of common justice and humanity. But be these motives what they may, the British Government can no longer patiently submit to such indignities: and that protection which His Majesty is accustomed to afford to the meanest of his subjects in every part of the world, will assuredly not be denied to those who may happen to be the victims of oppression in Portugal.

It is not intended that any immunity should be claimed for British subjects, beyond that which is secured to them by existing treaties, and by the laws of Portugal. These, however, have been openly violated in several instances, and although such violations have been made the subject of repeated remonstrances, His Majesty's Government have possibly abstained longer than could be strictly justified, from taking the most suitable measures of redress. Some consideration might perhaps be due to the unsettled condition of the Portuguese Government, and to the apprehension attending a state of political change and convulsion.

It is unnecessary here to particularize the various instances of oppression which have formed the subject of my previous despatches; but the case of Marcos Ascoli has been attended with the most flagrant injustice. He appears to have been immured in a secret dungeon for thirty-four days, notwithstanding your having claimed him upon the day of his arrest, and, what is most extraordinary, notwithstanding the Intendant of Police had assured you, on the eighth day of his confinement that he should be liberated on the succeeding day; and notwithstanding, also, that M. de Santa-

rem had himself on the 22d day of his confinement, addressed to you a written declaration that he had actually given orders for his release to the Intendant of Police

I do not enter into a consideration of the charge itself, trifling and futile, even if true; although it would appear to have been made under circumstances of gross dishonesty and corruption. But nothing can justify the cruel treatment which this person has received. The reprimand conveyed to the Intendant of Police by the Minister of Justice, is no reparation for the suffering inflicted upon the individual in question, nor for the neglect with which the remonstrances of the British Government have been received.

I am to instruct you, therefore, upon the receipt of this despatch, to request an audience of M. de Santarem, at which, should Marcos Ascoli be still in confinement, you will demand his immediate liberation, as as well full compensation for the wrongs which he has endured. In addition to this you will require that the Intendant of Police should be made publicly responsible for having been guilty of wilful oppression against a subject of His Majesty, in direct disobedience of the orders which it has been stated that he had received.

Should this not be the consequence of such gross disobedience, it would be impossible to believe that an order was given to him, such as the nature of the circumstances required, and such as the communication made to you by the Viscount de Santarem induced His Majesty's servants to believe had been done.

It is to be hoped that the Portuguese Government will not hesitate to comply with the just demands of His Majesty, but will see the necessity of pursuing for the future a conduct more consistent with the spirit of our Treaties, and with the amicable relations of the two countries. But should this unfortunately not be the case, and should your representations remain for *thirty* days not complied with, you will then report to me, for the information of His Majesty's Government, and you will, at the same time, communicate to the British merchants and others, His Majesty's subjects at Lisbon, that you have done so, in order that they may be prepared for those measures, to which His Majesty will be compelled forthwith to have recourse, for the purpose of obtaining that reparation which he will have vainly expected from the Portuguese Government.

You will make this statement to M. de Santarem explicitly, but with all the courtesy and respect due to the Minister of a Government by which, until we shall have proof of the contrary, it is impossible to believe that justice will be finally denied to us.

You will also deliver to M. de Santarem a copy of this despatch.

I am, &c.

J. R. Matthews, Esq.

(Signed)

ABERDEEN.

&c. &c. &c.

No. 27.

Lord Dunglas to J. R. Matthews, Esq.

Sir,

Foreign Office, November 5, 1828.

In reference to that part of the Earl of Aberdeen's dispatch to you, of this date, in which you are directed to demand the im-

mediate liberation of Marcos Ascoli should he be still in confinement, as well as full compensation for the wrongs which he has endured, I am directed by his Lordship to inform you that, should there be any question as to the amount and nature of the compensation, you are authorized to state to M. de Santarem the expectation of His Majesty's Government, that a sum of money should be granted to Marcos Ascoli, at the rate of eight dollars a day for the time during which he remained immured in the secret dungeon.

I am, &c.

J. R. Matthews, Esq.

&c. &c. &c.

(Signed)

DUNGLAS.

No. 28.

J. R. Matthews, Esq. to Lord Dunglas.—(Received November 17.)
My Lord, *Lisbon, 8th November, 1828.*

I beg leave to refer to that part of your Lordships despatch of the 1st October, ult., where I am instructed to require compensation as well as satisfaction, for injuries done to British subjects, through unjust persecution by the present government of this country.

To determine any amount of compensation for the parties so injured, and to be enabled to claim it so positively as to entertain grounded hopes of recovering it, I take the liberty to submit to your Lordship, whether the specific sums that may be demanded by the sufferers, ought not to be approved of by his Britannick Majesty's Government, before I make my application here for the same to the Minister of Foreign Affairs.

I have the honour to be, &c.

Lord Dunglas,

&c. &c. &c.

(Signed)

J. R. MATTHEWS.

No. 29.

J. R. Matthews, Esq. to Lord Dunglas.—(Received November 17.)
(Extract) *Lisbon, 8th November, 1828,*

In my dispatch of the 11th October, I had the honour to mention to your Lordship, the impunity with which the inferior authorities avoid executing the orders of the superior government of this country, so as to expose the great weakness of the ministry, and the influence of that secret power, which through the police department, overrules and compromises the dignity and character of the government itself, forming an imperium in imperio, and a labyrinth traced on a basis of bad faith and duplicity. I have a proof in hand where a British subject, imprisoned in a banking case, which in any other country, would have merely subjected him to be detained as a witness, has been within this last fortnight refused to be given up to the British Judge Conservator by a magistrate of the Police, though several notes from the Minister of Foreign Affairs, have assured me that orders had been sent to that effect; and one of this day encloses to me copy of a reprimand, dated two days ago from the Minister of Justice to this Magistrate for his remissness. Still the order is not executed at this hour, and the Police has not given up this British subject to the Conservator.

I have the honour to be, &c.

Lord Dunglas,

&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Lord Aberdeen to Mr. Matthews.

Sir, *Foreign Office, 15th November, 1828.*

With reference to that passage in my despatch of the 5th instant, in which I state the expectation of His Majesty's government that, in addition to the ample reparation to be made to Marcos Ascoli for the personal wrongs, inflicted upon him, the Portuguese Government will make the Intendant of Police publicly responsible for the wilful oppression of which he has been guilty towards a subject of his Majesty.

In order to remove any doubts which you may entertain respecting the precise object of his Majesty's Government, I have now to instruct you to inform M. de Santarem, that they require that the mark of displeasure, with which the Intendant of Police shall be visited by the Government of Portugal for his unwarrantable conduct, on the occasion in question, shall be conveyed to that officer in so public a manner as unequivocally to manifest the sentiments of the Government.

J. R. Matthews, Esq.

I am, &c.

(Signed)

ABERDEEN.

&c. &c. &c.

J. R. Matthews, Esq. to Lord Dunglas.—(Received November 27.)

My Lord,

Lisbon, 15th November, 1828.

Having been informed, about three months ago, of the intention, on the part of this Government, to involve Mr. A. Norton, Deputy British Consul at Vianna, in the persecution then carried on at Oporto, I took those measures, which led me to hope that he would not be comprehended in it.

An order to arrest him has, however, been lately issued, as appears from a letter from Mr. Norton, and his imprisonment would actually have taken place, had the bad state of his health not made it dangerous. I beg leave to transmit, herewith, to your Lordship a copy of this letter of Mr. Norton, which I enclosed in a note to Viscount Santarem, remonstrating against the arbitrary injustice of such a proceeding, after a previous satisfactory explanation had apparently set this matter at rest.

I have as yet had no official answer; but his Excellency has informed me verbally this day, that orders have been issued to suspend all measures against Mr. Norton for the present.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure 1 in No. 31.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, November 11, 1828.

I have the honour to enclose a copy of a letter I have received from Mr. Norton, British Deputy Consul at Vianna. By its contents your Excellency will discover an unjust and injudicious display of party spirit, very incautiously directed.

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To attack a British Deputy Consul for any passive political opinion he may be supposed to entertain, is a proceeding which bears more the features of a political persecution than of the due interference of justice for the security of the State ; and to threaten to punish a man because they choose to infer from the conduct of persons who are in relationship with him, that he holds the same doctrines, and may commit some crime, is persecution of the most bare-faced nature, and such as the dignity of the British Government can never overlook, and will rigorously resent ; particularly when the subject chosen to gratify the tyrannical folly, and insidious malice of some concealed individuals, is a man of known probity, of upright demeanour in private life, and as such entrusted with the interests of His Britannic Majesty's Government, in the district where he resides.

I had hoped by the private communications I have had with your Excellency on this matter, that it was set perfectly at rest ; but the attempt still to keep a sword suspended over the head of such an individual invested with that character, bears all the appearance of an act of defiance to His Britannic Majesty's Government, after the positive intimation, that British subjects are not to be injured with impunity.

If so natural an inference is to be done away, I doubt not but your Excellency will be pleased to give me unequivocally that assurance as to the security of Mr. Norton, which will enable him to fulfil his duties without alarm, and to explain to me how a threat to imprison a person invested with his character can thus be held out to him, without confronting him with his accusers, and without any regard to public law.

I have the honour to be, &c.

Viscount de Santarem.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

Enclosure 2 in No. 31.

A. Norton, Esq. to J. R. Matthews, Esq.

Sir,

Vianna, November 6, 1828.

Since my addressing you on the 1st ultimo, in reply to your letter of the 25th of August last, respecting the charge made against me to the Portuguese Government, I have not had the honour to hear from you, I therefore concluded, that, through your interposition, it had been most satisfactorily explained and settled. However, I am now most credibly informed, that an order has reached this place from Lisbon, to one of the authorities here to imprison me, and I understand that it has not already been carried into effect, from the fear of its endangering my life in the present state of my health. I am farther informed, that a certificate, by a medical person, of one, and the other, has been sent to Lisbon to require further instructions.

Thus situated, I must once more beg leave to address you upon this very distressing subject, and at a moment, whilst labouring under severe indisposition, brought about by exerting and exposing myself on the coast to the rigours of the weather, in the execution of my public duty, whilst saving the property of Government, in the case of the wreck of the *Manchester* Transport, and from which I have never recovered.

I will not now trespass on your time with a repetition of what I have already assured you more at large, that of having ever refrained from intermeddling with political affairs, as matters so contrary to my disposition, and interfering with my commercial concerns, which, with my Consular duties, have left me no time for entering into what could not concern me. At the same time that I was most fully sensible that the situation I have had the honour to hold, never could warrant my acting in any shape contrary to the established laws.

If, however, some of those, who, by intermarriage, became connected with my family, have been accused of any such deviation, as being less affected, one being now in prison, and the others absent, it is necessary for me to observe, that they have long since lived separated from me, consequently I am in no way accountable for their actions; and if any attempt be brought forward to endeavour to criminate me on the score of affording protection to the unfortunate, or held by something more than the common impulse of humanity, it has been in receiving under my roof my exposed and defenceless children.

Twenty-six years' residence at this place is a fair criterion for judging of my conduct and disposition. I defy the voice of truth to say, that, during this long residence, I have done any act contrary to that of a peaceable individual, or in contravention of the laws, or, I may further say, that could possibly induce me to screen myself for protection under my public character.

To your feelings and consideration will I then submit my case; and of what may be the result; if in my present state of health, whilst yet unheard, a most severe mandate is carried into force, myself most likely cast into a common jail by the machinations of malice and falsehood; and thus deplorably left to dwell on a situation, no less humiliating to me in my private character, than degrading in my public situation.

But in my appeal to you, Sir, I confidently look forward for redress in this urgent and perilous situation, for the withdrawing of this unjust order—unjust because I earnestly solicit you will demand my accusation, when I do pledge myself most clearly to prove mine own innocence, whilst I expose the infamy of others, whosoever they may be, who thus have sought to injure me by their machinations, as infamous as they are groundless,

Throwing myself under your protection, in obtaining for me the justice I seek,

I subscribe myself, &c.

J. R. Matthews, Esq.
&c. &c. &c.

(Signed) *ANDREW NORTON,*
British Deputy Consul at Vienna:

No. 32.

J. R. Matthews, Esq. to Lord Dunglas.—Received November 27.)

(Extract.)

Lisbon, November 15, 1828.

Mr. John Aguilar Macrohon, whom I have already several times extricated from the persecution of the active but concealed part of this Government, has been again confined in jail by order of one of the minor authorities of the Police, upon the same original charges for which he had as often been previously released.

As Mr. Macrohon is supposed to be in affluent circumstances, some attribute these repeated arrests to his being a subject of pecuniary advantage to the minor Magistrates.

Considering the bare-faced nature of this proceeding, I wrote to Viscount de Santarem the note, of which I beg leave to enclose a copy, and I have had the satisfaction to see twenty-four hours afterwards, that Mr. John A. Macrohon, has been placed in the hands of the British Judge Conservator.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure in No. 32.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir,

Lisbon, November 12, 1828.

The contempt with which the authorities of this Government treat the personal liberty and the property of British subjects, is now become so prominent, that a day is hardly allowed to elapse without my having to acquaint your Excellency with some injury, through shameless duplicity, or with some direct violation of our Treaties.

I have this day a violent instance of the latter, in the confinement in prison once more of Mr. John A. Macrohon, who has been arrested without any delinquency, by a common Alcaide, and without any previous communication or order from the British Judge Conservator.

The repetition here of those articles of our Treaties, that are specifically and distinctly inserted to avert such acts of tyrannical persecution, would be quite unnecessary, after the frequent occasions that I have had to quote them on account of similar infractions with this same person.

If Mr. John Macrohon is not set at liberty, without any delay, on bail, and is not proceeded with according to our Treaties, I beg leave to acquaint your Excellency, that you will impose upon me the peremptory duty of informing His Britannic Majesty's Government, by the very earliest opportunity, that the just and dignified remonstrances and intimations made by them, on account of this unwarranted system of persecution of British subjects by the Government of this country, are treated with defiance and contempt, as they have produced no effective alteration in those measures which ought to be so ordained, as to prevent the Treaties in existence from being trampled on by the minor authorities on every occasion.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c.

(Signed)

J. R. MATTHEWS.

No. 33.

J. R. Matthews, Esq. to Lord Dunglas.—(Received December 5.)

(Extract.)

Lisbon, November 22, 1828.

I received on the 16th instant, the despatch your Lordship did me the honour to write to me on the 5th, and I obtained an audience from Viscount de Santarem on Monday the 17th.

After quoting the trials pending and the acts of vexation lately committed against British subjects, I delivered to his Excellency

a copy of your Lordship's despatch, demanding the immediate liberation of Marco Ascoli, and the public responsibility of the Intendant of Police for having been guilty of wilful oppression against a subject of His Majesty, in direct disobedience of the orders, which it had been stated that he had received. M. de Santarem then referred me to the 21st instant, yesterday, to give me the result of the deliberations of the Ministry on that despatch; but I received yesterday morning a note postponing our interview till Monday the 24th, which decided me to write to the Viscount the note of which I beg leave to transmit a copy.

It had the immediate effect of his sending an invitation to me to call upon him this afternoon.

M. de Santarem appeared with my note in his hand with some loose papers, on which appeared some memoranda. He stated he had received my note; but for the purposes of ministerial consultation he thought I might withdraw it, particularly as it was written in the supposition that I should not see him till after the departure of the packet; he commented on the words "tyrannical persecution," and quoted the mild and conciliating style of your Lordship's despatch. I begged leave to draw his Excellency's attention to the very distinct division of my note, observing that in the part of it which related to himself, he could see nothing but what was expressive of the personal respect I entertained for his high rank and known learning; but that the expressions alluded to referred to that concealed power, which, through the police department, seemed to riot with impunity in continued violations of our Treaties, and had in spite of the remonstrances of the ministry itself, perverted the laws to persecute its victims; that I could not withdraw my note, as I thought it essential, a document should remain of the state in which British subjects were placed at the particular date of which your Lordship's despatch came under the consideration of the Portuguese ministry. He then read a memorandum, the principal points, of which he stated had been agreed upon in a Council of Ministers, and which he had not had time to frame into the shape of a note; but would do so in the course of next week.

It purported that the principle laid down by your Lordship's despatch was, that British subjects were to enjoy in Portugal all the immunities and privileges secured to them by Treaties and by the laws of the country, and that every thing would be done consistently with the dignity of this Government to meet the views of the British Government on this point, by the transmission of the privileges to the authorities.

That measures would be taken publicly, by the Gazette, to make all magistrates responsible for the execution of the laws in deference to those privileges and immunities, and that the Intendant of Police would be comprehended therein.

That the best desire existed to meet the views expressed in your Lordship's despatch, and that within the time mentioned every measure would be taken to avoid the recurrence of those proceedings that had excited such unpleasant correspondence, and that the question of compensation would be subsequently considered.

I stated that I would report to your Lordship the principal features of his Excellency's communication; but that I would

reserve to myself to enter more fully upon the subject after I had been honoured with the official note he had been so good as to mention he intended to send to me in the course of the ensuing week.

Should the measures demanded by your Lordship not be taken by this Government within the time required, I shall strictly adhere to the course laid down for me.

I have the honour to be, &c.

Lord Dunglas.

&c.

&c.

&c.

(Signed)

J. R. MATTHEWS.

Enclosure in No. 33.

J. R. Matthews, Esq. to Viscount Santarem.

Sir,

Lisbon, 21st November, 1828.

It is with much regret that I see by your Excellency's note of this morning that the interview upon which I had so much relied is deferred from this day till Monday next.

It will not, I hope, be considered irregular on my part to remind your Excellency, that it was on the 17th that I was honoured with an audience by your Excellency, in which I delivered into your hands a copy of a despatch from Lord Aberdeen, in date of the 5th of November instant, demanding the immediate liberation of Mr. Marcos Ascoli; the charges against him being so futile as not to justify his detention under any circumstances, and claiming full compensation for the injuries inflicted upon this British subject; demanding also that the Intendant of Police should be made publicly responsible for having practised wilful oppression against a British subject in opposition to orders stated to have been transmitted to him by the Minister of Justice; and generally expecting that the Government of this country will pursue a conduct for the future with British subjects more consistent with the spirit of our Treaties.

I entertained the hopes that your Excellency would have enabled me, before the sailing of the packet, by some positive measure, to prove that the Government of this country was now fully aware of the erroneous nature of the policy followed to this day, and that the just and honorable demands of the British Government had been met without disguise. I will not despair of such assurances being reserved for me on Monday next; but in the mean time what is the result that I have to offer to His Britannic Majesty's Government, of their well-grounded and repeated remonstrances against the system of subterfuge and persecution established against British subjects?

In Lisbon, after keeping Mr. Philip Macrohon five days in a secret dungeon, and fifteen more in the common prison, it appears by the deeds of his trial that an order is made out for his imprisonment and though the Judge Conservator, after another fortnight's confinement, has confirmed the unjust imprisonment by the Corregidor, yet the Judges of the Ralacao, when appealed to, declare they cannot do less than set him at liberty, there being no grounds whatever for any accusation.

Mr. John Macrohon is once more thrown into prison upon an order which had been annulled by his repeated enlargement in the other different times he has been persecuted by the Police Department.

Mr. Philip Macrohon is now free upon the most honourable acquittal, which exposes the base attempt to defame a man's character: after five days Mr. John Macrohon is out on the home-nagem or liberties of the castle, due to British subjects; yet the Department of the Police has not hesitated to refuse to renew the permits of the residence of these British subjects upon my certificates and requests, documents which I am under the necessity of enclosing to your Excellency, claiming in the name of the Treaties between our countries that protection for British subjects, the refusal of which under pending circumstances becomes an insult.

Mr. Marcos Ascoli notwithstanding the mere futile charge of masonic insignia being found in his baggage, when leaving the country, is still in jail, and on such a plea every attempt is made to criminate and ruin this British subject.

At Figueira the same system of persecution seems to be encouraged. A devassa has been opened against the British residents, of which eight recur to me for protection in a memorial, where they express their natural dread of those subsequent measures of unjust imprisonment and extortion which follow such secret proceedings with the greatest impunity.

At Oporto, from the deficiency of the instructions sent by the Government of this country to the Judge, in whose hands the trial of Mr. Charles Henry Noble has been placed, how to pass his sentence, the bringing in of the strong proofs of that gentleman's innocence so interrupted, and he continues still, after two months and a half, incarcerated among murderers and felons.

At Vianna, Mr. Deputy-Consul Norton against whom an order of imprisonment has been issued and withheld only on account of the dangerous state of his health, notwithstanding the perfect vindication of his conduct from all political interference, remains without any written security for the safety of his future existence, though holding a situation under the arms of Great Britain.

Thus your Excellency perceives that it is evident to the world, that wherever there are British subjects in Portugal, the arm of persecution weighs heavily over them with impunity, and that I have nothing to offer to His Britannic Majesty's Government as a proof that the remonstrances communicated to your Excellency in Lord Dunglas's despatch of October ultimo have been productive of any general measures of justice, or that the despatch of Lord Aberdeen of the 5th instant, has been yet taken into consideration, since even so recently the Police Department has refused to two British subjects that protection secured to them by Treaty, for the sole purpose, probably, of practising anew their tyrannical persecution over these individuals, by getting the minor officers of that department to arrest them for being without that document, which the superior officers of the same have arbitrarily denied them.

I have the honour to be, &c.

Viscount de Santarem.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 34.

J. R. Matthews, Esq. to Lord Dunglas.—(Received December 8.)
My Lord,

Lisbon 29th November, 1828.

I beg leave to acquaint your Lordship that Mr. Marcos Ascoli sent in his defence to the British Judge Conservator, on the 20th

instant, and having strong reasons to believe that, owing to the absence of crime, that Magistrate and this Government are much embarrassed how to frame a sentence in a case of such flagrant injustice, so as to avoid exposing their practices; knowing, also, from my experience of the indisposition of a part of this Government against us, that every forinsic delay and subtle evasion would be resorted to to avoid, or put off their compliance, with the just demand of His Majesty's Government for the immediate liberation of that British subject, I have deemed it expedient, in order to hasten his release, to write this day to Viscount de Santarem the note, of which I have the honour to enclose a copy; in the full conviction that the term of thirty days could not apply to the demand for "*immediate* liberation," which I was instructed to make by the despatch, the Earl of Aberdeen did me the honour to direct to me on the 5th instant.

I have the honour to be, &c.
Lord Dunglas. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

Enclosure 1 in No. 34.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir, November 29, 1828.

Having, by order of His Britannic Majesty's Government, demanded, on the 17th instant, the immediate liberation of Mr. Marcos Ascoli, as well as full compensation for the wrongs which he has endured; and having, on that day left with your Excellency a copy of a despatch from the Earl of Aberdeen to that effect, in date of the 5th of this November, I must, beg leave to notice that Mr. Marcos Ascoli is still kept in confinement, now twelve days since that claim was made and that it is incumbent on me to acquaint His Britannic Majesty's Government, that their demand for the immediate liberation of Mr. Marcos Ascoli has not been complied with.

I have the honour to be, &c.
Viscount de Santarem. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

No. 35.

J. R. Matthews, Esq. to the Earl of Aberdeen.—(Rec. Dec. 8.)

(Extract.) Lisbon, 29th November, 1828.

As a specimen of the little respect shewn hitherto by the inferior Magistrates of the Police to the Decrees of the Ministerial Government, I venture to add copy of a note I was under the necessity of writing to Viscount de Santarem, on the trial of a British subject being withheld from our Conservatorial Court, after forty-five days imprisonment.

I have the honour to be, &c.
The Earl of Aberdeen, K.T. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

Enclosure in No. 35.

J. R. Matthews, Esq. to Viscount de Santarem

Lisbon, 27th November, 1828.

I beg leave to lay before your Excellency an example of the manner in which the decrees or avisos of this Government, are carried into effect that relate to the execution of our Treaties.

Notwithstanding the orders contained in the Aviso addressed to the Intendant of Police, by His Excellency the Minister of Justice, in date of the 10th of July last, for him and his delegates to remit to the British Judge Conservator, "as culpos dos mesmos subditos Britannicos no estado em que se acharem ea respieto d'aquelles que nao tivessem ainda culpa formada, os Papeis que devessem servir de baze para se ches formar." The Juiz do Crime do Bairro do Castello, has, in the face of these positive instructions retained in his hands a devassa, taken out against a British subject called John O'Brien, who has thus been retained in prison forty-five days, as appears by the enclosed commitment, without the papers relating to his case having been transmitted to the Judge Conservator, or his being placed at the orders of the same, in the prison of the Limoeiro.

I will not here repeat to your Excellency the complaints, I have unfortunately had such frequent occasion to make, of the impunity with which the avisos, or orders of the Government, are neglected and violated, that relate to the execution of our Treaties; but I will merely take the liberty to draw your serious attention to this undeniable fact, as a provision against such culpable omission, and to request the favour of your Excellency's interference that due course be given to the proceedings relating to John O'Brien without further delay.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed) J. R. MATTHEWS.

No. 36.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Dec. 8.)

(Extract.)

Lisbon, 29th November, 1828.

I beg leave to transmit to your Lordship a copy of a representation made by several Vice-Consuls in the port of Setubal, on the arrest of the Vice-Consul of the Hanseatic Towns by the Royalist Volunteers, and a mob led on by the Spanish Vice-Consul, and his brother-in-law, a Colonel of Volunteers.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) J. R. MATTHEWS.

Enclosure in No. 36.

A Representation addressed to the Military Governor of St. Ubes, by the Consuls and Vice Consuls of Foreign Nations residing in that Town—(Translation.)

St. Ubes, 25th November, 1828.

Most Illustrious and Excellent Sir,

The undersigned have the honour to represent to your Excellency, that scarce a day passes without their receiving information that the Royalist Volunteers of this town intend to insult and arrest them. They have not as yet given credit to such reports, being conscious that they have not committed any crime to make them forfeit the protection of the laws, which is more especially due to them in attention to the offices that they hold as agents of foreign Sovereigns, and which protection those Sovereigns afford towards the Portuguese Consuls within their dominions. The undersigned again repeat that such reports would not intimidate them, had they not witnessed what has just occurred in the person of the Vice Consul of the Hanseatic free town of Hamburg, who it appears has been, without any superior order or attention being paid to his privileges, arrested and escorted through the streets as a public spectacle, and afterwards incarcerated in the dungeon of the common jail.

The undersigned seeing this example in the person of that Vice Consul (who though a Portuguese, exercises his office under a patent from the Government which he serves, and confirmed by the Portuguese Government, granting to him the same privileges as if he were a foreigner), cease to consider themselves from this moment secure in their personal liberty, unless your Excellency takes the most efficient measures on this subject, otherwise they will find themselves under the hard necessity of quitting their posts, which would create a very disagreeable sensation in the countries for which they act, and would cause a great detriment to the commerce of this port, as no foreigner would consider his property secure in a country where their Consuls are not protected.

The undersigned, as such, request your Excellency will be pleased to take such measures as you may deem expedient, and hope that your Excellency will in answer assure them of the protection of the executive authorities of this town, of which you are the worthy commandant.

The undersigned avail themselves of this opportunity, &c.

(Signed) **JOHN HERLITZ**, *Swedish and Norwegian Consul.*
JOAQUIM O'NIELL, *Vice Consul for France, Russia, and the United States of America.*
FRANCIS BEERENS, *Vice Consul for Prussia.*
HENRY O'NIELL, *Danish Vice Consul.*
EMANUEL F. REGO, *British and Hanoverian Vice Consul.*

No. 37.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Dec. 15.

My Lord,

Lisbon, 6th December, 1828.

Begging leave to refer to my Despatch of 29th November, as to the non-compliance of this Government with the demand for the release of

Mr. Marcos Ascoli, I have now the honour to state that the advocate of that British subject having been imprisoned, and much time lost in the appointment of a new lawyer to make his defence, Mr. Ascoli has not yet been set at liberty, for it is intended to save the decorum of this Government, as verbally expressed to me by Viscount Santarem, and to liberate him only after going through the forms of the courts of law.

I have also received verbal assurance that the liberation of Mr. Charles Henry Noble, is in early contemplation.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed) J. R. MATTHEWS.

&c.

No. 38.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Dec. 15.)

(Extract.)

Lisbon, 6th December, 1828.

In the written communications I have thus far been under the necessity of directing to the Minister of Foreign Affairs, I have had to combat the violent action of a secondary power in the state, acting frequently in defiance of the ministry, and which, from its unattainable position, has required a double force of expression to penetrate to it, so as to check the determined spirit of persecution with which it has contemplated to visit British subjects.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed)

J. R. MATTHEWS.

&c.

No. 39.

The Earl of Aberdeen to J. R. Matthews, Esq.

Sir,

Foreign Office, 10th December, 1828.

I have to acknowledge the receipt of yours of the 29th ultimo, inclosing copies of three decrees, enjoining the Judicial Authorities of Portugal to observe the rights and privileges secured to British subjects by Treaties which have been published by the Portuguese Government, in consequence of the representations which I authorized you to make to the Viscount de Santarem, in my despatches of the 5th and 15th November.

As a general rule of conduct, the publication of these decrees in the Lisbon Gazette is perfectly satisfactory; and if the Portuguese Government had taken this step three months ago His Majesty's Government would have had nothing to ask but the due execution of the decrees thus promulgated.

As the Government of Portugal, however, have long persevered in their neglect of general remonstrances, and have waited until His Majesty's Government have been compelled to select a particular case, respecting which you were instructed to make a specific demand, it is absolutely necessary that this demand should be complied with. The measure now taken by the Portuguese Government, however satisfactory in general, has no reference to the particular case of Marcos Ascoli, and it is therefore impossible

to accept it in lieu of the reparation which you, in obedience to the orders of your Government, have demanded for the injuries done to that person.

I repeat that no immunity is claimed for British subjects, beyond that which is secured to them by existing Treaties and by the laws of Portugal. But when injustice is committed, reparation must be made, and it would be a fatal error on the part of M. de Santarem were he to imagine that because the demands of the British Government have been moderate, and urged with the consideration and respect due to an independent government, His Majesty was, therefore, less anxious about their success; or, if necessary, less determined to enforce them.

The cruel and illegal imprisonment of Marcos Ascoli, renders his immediate liberation indispensable, even if he should be found guilty of the trifling offence which is laid to his charge; and in order to prevent discussion and delay, a moderate sum, as compensation has been specified, which must be paid to him forthwith.

The decrees which comprize the future responsibility of the Intendant General of Police in that of all other public functionaries, do not satisfy the just expectations of His Majesty's Government. The conduct of this officer must be publicly censured. In consideration, however, of the desire shewn by the Portuguese Government to meet the views of His Majesty's Government, both by the publication of the decrees in question, and also by the prompt and satisfactory manner, in which justice was done in the case of Mr. James Barker, (as reported in yours of November 29th to Lord Dunglas,) His Majesty's Government will not insist upon any particular severity in the reprimand to be conveyed to the Intendant General of Police; it may be done in the way most acceptable to the Portuguese Government, but it must be public and sufficient to show that the just demands of Great Britain have been complied with.

I cannot but express my sincere regret that the measures recently adopted by the Portuguese Government should have fallen short of what might reasonably have been expected. His Majesty's Government selected a case of manifest injustice, and the reparation which they demanded was moderate, because they trusted that it would thus have been afforded without hesitation; and because, if not afforded, they were determined to enforce that demand. It is to be hoped that what is required may still have been performed by the Portuguese Government before the arrival of this despatch: but should this unfortunately not be the case, you will deliver a copy of it to M. de Santarem, and in three days after having so done you will inform me of the result; should you be able to communicate to His Majesty's Government that their expectations have been realized, the intelligence will be received with the utmost satisfaction; but if not they are perfectly prepared and determined, without further delay, to carry into effect those measures which are necessary to ensure the most ample redress.

I am, &c.

J. R. Matthews, Esq.
&c. &c. &c.

(Signed)

ABERDEEN.

J. R. Matthews, Esq. to Lord Dunglas.—(Received December 22.)

My Lord,

Lisbon, 13th December, 1828.

I had the honour in my dispatch of the 6th December, to state that Viscount Santarem had mentioned to me that the government of Portugal was desirous, in the case of Mr. Marcos Ascoli, merely to save their decorum, by going through the forms of the courts. A very different intention may, however, be inferred from what has taken place.

On the 17th November ult. the Portuguese Government were, by the copy of the Earl of Aberdeen's despatch, in full possession of the sense of His Majesty's Government on the subject of Mr. Ascoli. Yet on the 20th, the defence of that British subject being nearly concluded by an advocate, who had conscientiously taken up his case, this Lawyer is, without any known charge, taken from his house and family, and immured in jail, with many other victims of the arbitrary system of the day. This gentleman has written to me to express his inability to guess at the motive which thus brings ruin on himself and family, without it be his having humanely undertaken the defence of this British subject, as his accusers are persons employed in the office of the Scrivener of the British Conservatorial Court, where he was under the necessity of going to look into the trial, and investigate many points not freely communicated. Another advocate is consequently obtained; he is instructed in the nature of the case; the final defence is prepared, and the expectation is entertained of being at last set at liberty by such a sentence of the British Judge Conservator, as must be confirmed by the State Commissao da Supplicacao; when, on a sudden, the prisoner is deprived of his judge who is made to withdraw upon the convenient plea of ill-health, and on the 9th December, inst., a substitute appears to act for him, who is one of the Judges of the very State Commission instituted to obey the dictates of the Government, and whose sentence will, of course, be confirmed by his colleagues.

Mr. Ascoli has already been by this judge condemned to costs, and to be exiled for ever from this country, whereby his establishment is ruined and misery entailed upon his wife, five children, and relations; because, on his leaving this for Gibraltar, with due passports, some masonic insignia were found in his baggage placed there by a Spaniard, a spy of this Police, at thirty-four milrees per month, having taken out a certificate as such, that it might serve as a recommendation to him in Spain, whither he has repaired; and who has, by the evidence in the trial, boasted of being revenged on Marcos Ascoli, by getting him into trouble in return for his refusal to lend him more money.

Upon these futile grounds has the Government of this country thought it expedient to follow up the system of persecution against an industrious British subject, and has, in the face of the dignified remonstrances of His Majesty's Government, ordained a tissue of duplicity, upon which a colouring of judicial proceedings would appear to be purposely thrown that the demand for his immediate liberation may be evaded with seeming right, and refused; and that, by bringing him in guilty, all grounds for censure on the conduct of the Intendant of Police, may be done away with.

As the tenor of my instructions from the Earl of Aberdeen rests upon the open acts of this Government, and not upon their artful evasions, I shall feel it incumbent on me to carry those into execution, if, by the 17th instant, different measures are not adopted corresponding to the attention due to the British Government.

I have the honour to be, &c.

Lord Dunglas.
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

No. 41.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Dec. 22.)

(Extract.)

Lisbon, 13th December, 1828.

Little prospect remains for the measures required taking place in the small space of time that remains between this and the 17th instant, the period when the thirty days granted will expire. I have done every thing that can be practised consistent with the dignity of the British Government, to excite the determination towards an honourable conclusion; but the censure to be passed on the Intendant General of Police, seems to have met with unsurmountable opposition. An intention was manifested at first to screen the Intendant by the production of a series of orders for the release of Mr. Ascoli from his dungeon, the disobedience of which would have criminated the Corregidor of Belem, and caused him to experience a dismissal similar to that of the magistrate of the castle; and Viscount Santarem stated to me yesterday, that he would send me some satisfactory documents; but nothing has reached me at this hour, half-past 10, p. m.; which leads me to infer that the sentence passed on Marcos Ascoli, has defeated that purpose.

The two essential points required by the Earl of Aberdeen remain, therefore, as yet in *statu quo*, viz. the censure on the Intendant General and the liberation of Marcos Ascoli.

Were I to attempt to describe to your Lordship the degree of impunity with which the magistrates dependent on the Police department pursue a system of extortion throughout all Portugal by ransoming the most opulent classes of their districts, I should hardly be credited; the towns, even in the immediate vicinity of Lisbon, offer instances of inexplicable persecution tending to increase the unpopularity of the Government, and, if to that be added, the feeling excited by the daily arrests in Lisbon, and by the growing misery from the paralysis all branches of trade have received, it would become a subject of wonder how such a degree of oppression can be borne.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 42.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Jan. 4, 1829.)

My Lord,

Lisbon, 20th December, 1828.

I beg leave to transmit herewith to your Lordship, copy and translation of a letter from the British Vice-Consul at Tavira, Mr.

Manoel Baptista Bombazina, complaining of his having been taken from his own house to a disgusting dungeon, on the 29th of May last, without any legal form or charge substantiated against him, and of his having been since conveyed to the castle of San Julian, where he has been prevented from making his situation known to me. This has now been done with some risk; and I delivered on the same day I received his application, a copy of the same to Viscount Santarem, with the request, that his trial should be, without delay, brought before the Judge Conservator.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure in No. 42.—(Translation.)

Mr. Manoel Baptista Bombazina to J. R. Matthews, Esq.

Subterranean Prison of St. Julians of the Bar of Lisbon,

Sir, *Lisbon, 9th December, 1828.*

By the enclosed document you will perceive that I have the honour to be one of the faithful subjects of His Britannic Majesty, in the quality of his Vice-Consul at the port of Tavira, Kingdom of Algarve, the duties of which I am persuaded I have fulfilled with exactitude. Notwithstanding the royal confirmation, which the same document exhibits, and the publicity with which I have exercised my office in that port, the magistrates and other authorities of that city, and of the kingdom of Portugal, appear to have violated all the Laws, Treaties, and privileges, granted to English subjects, (besides the many prejudices which must have arisen to British commerce) in the violent and tumultuous arrest of my person within my own house, on the 29th of May last, without any legal form or crime being proved against me, contrary to all right, both public and private, the law of nations and of this country, and by my having been incarcerated in a horrid and loathsome dungeon, incommunicable; and latterly immured in a subterranean prison of the castle of Saint Julian, where, up to the present time, I have been confined, in the same rigorous and incommunicable state; this is the cause that I have not sooner made these occurrences known to you; and which even now I am only enabled to do, amidst great difficulties; and I at the same time request that you will be pleased to take such measures hereon, as justice, policy, and Treaties demand.

God preserve you.

I am, &c.

J. R. Matthews, Esq.

(Signed)

M. B. BOMBAZINA.

&c. &c. &c.

No. 43.

J. R. Matthews, Esq. to the Earl of Aberdeen.

(Received January 4, 1829.)

My Lord,

Lisbon, 22nd December, 1828.

In obedience to the orders conveyed in your Lordship's despatch of the 5th of November ult received by me on the 16th of that

month, I obtained an audience from Viscount de Santarem on the following day, 17th, and delivering to his Excellency a copy of that despatch, I represented, with the courtesy and respect due to a Minister of State, that, notwithstanding the repeated remonstrances of His Majesty's Government, those immunities which were secured to British subjects by existing Treaties, and by the laws of Portugal, continued to be openly violated, and that whatever consideration might be due to the unsettled condition of the Portuguese Government, and to the apprehensions attending a state of political change and convulsion, nothing could justify the various instances of oppression that had been repeatedly practised upon them, and that the case of Mr. Marcos Ascoli particularly had been attended with the most flagrant injustice. The charge against him being considered as trifling and futile, even if true, I demanded the immediate liberation of Mr. Ascoli, as well as full compensation for the wrongs which he had endured. In a subsequent conversation with Viscount de Santarem, on the delay in his release, I was assured that the Portuguese Government wished to save their decorum, and to go through the forms of the courts of law in the trial of this British subject. The imprisonment of the advocate of Mr. Ascoli, and the secession of the British Judge Conservator, on the plea of illness, has caused a very unexpected delay, after the demand made for his immediate liberation.

I have the honour to enclose, under No. 1, a copy and translation of the sentence passed in the first instance on Marcos Ascoli, on the 11th of December, instant, by the Judge Substitute, Acting British Judge Conservator; and Viscount Santarem mentioned to me on the 16th instant, that he expected it would be confirmed without delay. This, however, has not taken place at this date. By this sentence, your Lordship will be enabled to perceive the correctness of my former statements, and that this British subject is condemned to be sent out of this country, on a charge of having made use of the masonic insignia found with him, which is not proved in evidence; therefore, not grounded in the laws against freemasonry, I beg leave to enclose under No. 2. Nor did any flagrante delicto case justify his arrest, as he was leaving the country with regular passports in a Portuguese vessel. His informer, Angelo Ramon Marti, who delivered these masonic insignia to him with the masonic letters, is lately returned from Spain, but being a spy of the police, is allowed to be perfectly at large, though according to the principle laid down, he is much more criminal than Marcos Ascoli.

The demand for the immediate liberation of Marcos Ascoli has, therefore, not been complied with, even within the thirty days allowed.

In further obedience to your Lordship's instructions, I acquainted Viscount de Santarem, on the 17th November last, that His Majesty's Government required that the Intendant-General of Police should be made publicly responsible for having been guilty of wilful oppression against a subject of His Majesty, in direct disobedience of the orders which, it had been stated, he received. I also subsequently acquainted Viscount de Santarem that, in addition to the ample reparation to be made to Marcos Ascoli, for the personal wrongs inflicted upon him, the British Government required that the mark of displeasure with which the Intendant of Police should be visited

by the Government of Portugal, for his unwarrantable conduct on the occasion in question, should be conveyed to that officer in so public a manner, as unequivocally to manifest the sense of the Government.

By the only official paper published in Portugal, which I beg leave to enclose under No. 3, the *Gazeta de Lisboa*, from the 17th of November ult. even up to this day, 22nd December, it is evident that no public mark of displeasure from this Government or censure has been passed on the conduct of the Intendant of Police as required by the British Government; nor have I received any communication to that effect from the Portuguese Government.

I also acquainted Viscount Santarem that His Majesty's Government further hoped that the Portuguese Government would not hesitate to comply with the just demands of His Majesty, but would see the necessity of pursuing for the future a conduct more consistent with the spirit of our Treaties and with the amicable relations of the two countries, and that should this unfortunately not be the case, and should my representations remain for thirty days not complied with, I was instructed to report to your Lordship for the information of His Majesty's Government, and at the same time to communicate to the British merchants and others His Majesty's subjects at Lisbon, that I had done so in order that they might be prepared for those measures to which His Majesty would be compelled forthwith to have recourse for the purpose of obtaining that reparation which he would have vainly expected from the Portuguese Government.

The necessity of adopting for the time being more prudential measures appears to have been felt by the Portuguese Government, as the decrees published in the Lisbon Gazette of the 25th November ult., and up to the 2d and 6th December inst. evidently imply.

Many evils have been thereby averted from our countrymen, and the impending arrests of many British subjects in different parts of Portugal has been thereby suspended; for I have not been able as yet to obtain any written certainty that the orders for their imprisonment had been definitively withdrawn.

These Avisos or Ministerial Decrees thus published may be considered as prospective acts of justice. No retrospective measure of satisfaction or reparation as publicly required by His Majesty's Government, relating to the conduct of the Intendant of Police, or to the liberation of Marcos Ascoli, has been communicated to me or to the public by the Government of Portugal.

My representations not having thus been duly complied with within the thirty days allowed, the unfortunate contingency foreseen by my instructions has occurred, and made it incumbent on me to acquaint the British merchants and others His Majesty's subjects, that I had reported these facts to your Lordship, and I beg leave to annex, under No. 4, a copy of the statement I have read this day to about sixty of the principal British Merchants and residents, that they may be aware of the solicitude of His Majesty's Government for their welfare and personal security.

I have the honour to be, &c.

The Earl of Aberdeen, K.T.
&c. &c. &c.

(Signed) J. R. MATTHEWS.

No. 44.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Jan. 28, 1829.)

(Extract.)

Lisbon, 31st December, 1828.

The British Vice Consuls at Villa Real and Tavira, unfortunately confined in prison are, as far as I can learn, the mere victims of private revenge and of blind revolutionary tumult, evidently sanctioned by this Government, through the protraction of their sufferings in close confinement for so many months.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

No. 45.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Jan. 28, 1829.)

My Lord,

Lisbon, 31st December, 1828.

Taking the liberty of referring your Lordship to my despatch of December 20, I beg leave to enclose copies and translations of the correspondence that has taken place respecting Mr. Manoel Baptista Bombazina, British Vice Consul at Tavira, imprisoned in the castle of St. Julian.

The Government directs the Intendente de Police to put into execution in favour of this prisoner the privileges granted to British subjects. The Intendente declares his almost total ignorance of the case, and that neither this Vice Consul nor any other of the prisoners from the Algarves were ever placed at his orders or disposal, and refers to the Government to which I again appeal without animadverting on the extraordinary manner of treating matters of this importance when the power of immediate justice rested originally in them.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

No. 46.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Jan. 28, 1829.)

My Lord,

Lisbon, 31st December, 1828.

I beg leave to enclose to your Lordship under No. 1, copy and translation of the sentence passed on Marcos Ascoli, on the 20th December inst., by the Commissao da Supplicacao, confirming the sentence of the Judge Conservator, condemning him to banishment from this Kingdom, though no clear proof is adduced of the existence of any criminal correspondence among his papers. The hieroglyphic letters mentioned under Nos. 7, 8, 9, are three letters which I have seen written in Hebrew to Jewish merchants at Gibraltar very plainly, and not with a *simulated imperceptible alphabet*; therefore affording no grounds for the stated suspicions.

I beg leave to annex under No. 2, a statement of the actual expenses incurred, and of the presumed pecuniary losses sustained by the unjust persecution Mr. Ascoli has suffered; in the event of its

appearing proper that full compensation and reparation should be claimed. In this no specific sum is quoted for the days he was confined in the secret dungeon.

I have the honour to be, &c.
Lord Douglas. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

No. 47.

J. R. Matthews, Esq. to the Earl of Aberdeen.—(Received Jan. 28.)

(Extract.)

Lisbon, 1st January, 1829.

The aviso or ministerial decree of the 30th December, inserted in the *Gazeta de Lisboa* of the 31st, which I beg leave to enclose with a translation under No. 1, is, I presume, meant as the reprimand to the Intendente General de Police demanded by His Majesty's Government.

I have received an official note from M^r. de Santarem, in date of yesterday, 31st December, of which I have the honour to enclose a copy and translation under No. 2.

Thus situated, it becomes incumbent on me to acquaint your Lordship that Marcos Ascoli remains in jail at this hour (ten P. M.), without any intimation whatsoever having been made to him since that of his sentence. A sum of forty-eight milreis, about ten pounds, was given to him last night by an officer of police, in the name of a person he knows not, nor does he the object for which that money was delivered to him.

Mr. Ascoli intends to follow up the usual course of appeals as practised in this country, that he may neglect no means to avoid the ruin impending on his family by his banishment.

I have the honour to be, &c.

The Earl of Aberdeen, K. T. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

No. 48.

J. R. Matthews, Esq. to Lord Douglas.—(Received January 28.)

(Extract.)

Lisbon, 5th January, 1829.

I have had the honour of stating previously that Mr. Marcos Ascoli is determined to avail himself of every chance offered by the law of this country, and to appeal against the sentence of banishment, which would entail ruin upon him, and his family. The sound part of the judicial authorities, among which is the very President of the State Commission are strongly of opinion that there is no basis in law upon which such a sentence can be grounded, and, as the general feeling is, that the transaction is arbitrary and disgraceful, a hope is still entertained that the sentence may be repealed, and that he may be acquitted.

I have found out that the ten moidores (about 10*l*.) paid to Mr. Ascoli by an officer of the Police, who now disavows it, were actually intended as a compensation and reparation to be made on the part of this Government for the injuries suffered by this persecuted individual; but as this sum would barely pay his passage to

England, the injustice thereby offered to him is evident. Mr. Vice-Consul Bombazina is still in the lower prisons of the castle of San Julian, though his wife on the 24th ultimo, sent certificates from all the courts in the Algarves that no charge laid there against him.

I have the honour to be, &c.

Lord Dunglas. (Signed) J. R. MATTHEWS.
&c. &c. &c.

No. 49.

J. R. Matthews, Esq. to Lord Dunglas.—(Received January 28.)

My Lord,

Lisbon, 5th January, 1829.

In obedience to the orders conveyed to me in your Lordship's despatch of the 18th of December ultimo, I waited upon Viscount Santarem and expressed to his Excellency the satisfaction with which His Majesty's Government have received the information of the publication of the decrees in the Lisbon Gazette of the 2d and 6th of December, and their confident hope that the Portuguese Government, by continuing to act in this spirit, will prevent the necessity of a recurrence to those remonstrances on the part of Great Britain, which His Majesty's Government have recently been compelled to make, in order to obtain that justice, which the subjects of His Majesty are entitled to claim from the Government of Portugal.

I have the honour to be, &c.

Lord Dunglas. (Signed) J. R. MATTHEWS.
&c. &c. &c.

No. 50

J. R. Matthews, Esq. to Lord Dunglas.—(Received January 23.)

My Lord,

Lisbon, 10th January, 1829.

I applied on the 16th ultimo to Viscount Santarem to obtain that the British Vice-Consul, at Tavira, Mr. Manoel Baptista Bombazina, whose imprisonment had been concealed from me till that day ever since the 29th of May, should be removed to the castle of Lisbon, and placed in the hands of the British Judge Conservator as is practiced in similar cases.

Being referred to the Intendant-General of Police, that officer on the 31st ultimo refers me again to the Government, and this day I receive from M. de Santarem a note with enclosures of which I beg leave to enclose a translation; by which it appears that after applying to the Minister of Justice his Excellency has addressed a note to the Minister of War.

In obedience to my instructions I limit my interference on this subject to verbal applications.

The British Judge Conservator, Antonio Thomas da Silva Leitao, has reassumed his functions.

I have the honour to be, &c.

Lord Dunglas. (Signed) J. R. MATTHEWS.
&c. &c. &c.

Enclosure 1 in No. 50.

Visconde de Santarem to J. R. Matthews, Esq.—(Translation.)

Palace of Queluz, 10th January, 1829.

Having received from the Minister of Justice the answer, as per enclosed copy, No. 1, to the official letter I had addressed to him in consequence of your reclamation in favour of Manoel Baptista Bombazina, Vice-Consul of your Nation at Tavira, and prisoner in the castle of St. Julian, I herewith transmit to you the enclosed copy of an official letter I have just written to the War Minister, to enable me to give a final answer to the said reclamation, as the reception of that prisoner in the above-mentioned castle, was in consequence of an order passed by a military authority.

(Signed) **VISCOUNT DE SANTAREM.**

J. R. Matthews, Esq.

&c. &c. &c.

Sub-Enclosure A in No. 50.

The Minister of Justice to Viscount Santarem.

January 7, 1829.

Acknowledging the receipt of your official letter of the 3d. instant, accompanying the translation of a despatch from the British Consul General, dated the 31st December last, requesting the observance of the privileges granted to Englishmen in Portugal in favour of the Vice Consul of the same nation in Tavira, Manoel Baptista Bombazina, a prisoner in the Castle of St. Julian; I have the honour to acquaint your Excellency, that the Intendente of the Police having been ordered on the 23rd. December last, to observe in this matter the orders he has received, or if he had any reasons to the contrary, to represent it immediately, in case the said Vice Consul was a prisoner under his authority all which in the same date I acquainted your Excellency, in answer to your official letter of the 18th December, the Intendente represented that the said prisoner was not at his disposal, and officiating in consequence through my department to the Chief of the Major General's Staff, to pass the necessary orders to the Governor of the said Castle, to declare at the order of which authority he was a prisoner, the said Governor answered, that the order for his reception was delivered to him from the Military Commanding Officer of the Province of Estremadura. Not being consequently a prisoner by order of any civil authority, I believe the regular course to be adopted in this affair, is for your Excellency to address officially the War Minister, to have the said Vice Consul removed to one of the prisons of this City, to be put at the disposal of his Judge Conservator.

(Signed) **LUIZ DO RIO DE MENDOUCA.**

Secretary of State for Foreign Affairs, 10th January, 1829.

(Signed) **JOSE MARIA DE SALES RIBEIRO.**

Most Illustrious and Excellent Viscount de Santarem.

&c. &c. &c.

Sub-Enclosure B in No. 50.

*Viscount Santarem to the War Minister,
Secretary of State's Office for Foreign Affairs,
10th January, 1829.*

My Lord,

I have the honour to transmit to your Excellency a copy of an official letter I have received from the Minister of Justice, respecting Manoel Baptista Bombazina, British Vice Consul in Tavira, who was already the object of the letter I addressed to your Excellency on the 3rd instant, and to request your Excellency will enable me to answer the British Consul General, who claims the known privileges in favour of the said individual.

(Signed) VISCOUNT DE SANTAREM.

Secretary of State's Office for Foreign Affairs, 10th January, 1829.

(Signed) JOSE MARIA DE SALES RIBEIRO.

Most Illustrious and Excellent Conde do Rio Pardo.

&c. &c. &c.

No. 51

J. R. Matthews, Esq. to Lord Dunglas.—(Received January 28.)

My Lord,

Lisbon, 17th January, 1829.

I beg leave to enclose a copy of the sentence passed upon Marcos Ascoli on his appeal, confirming the former sentence of banishment, and condemning him to the additional costs.

Thus have vanished all the hopes I ventured to express in my Despatch of January 5, and the principle laid down by this Government from the beginning of this case, has not been diverged from, notwithstanding the urgent remonstrances and considerate proceedings of His Majesty's Government, and the evident absence of crime.

Mr. Ascoli states to me in a recent letter, that his confinement of four months in prison having completely paralysed his mercantile business, he has exhausted in the maintenance of a large family, and in the unavoidable expenses of the law, all the ready money he had by him, and that nothing remains to him now but goods or merchandize which he must part with at a great loss to support his family; he is therefore quite a ruined man, and is about to apply to the benevolence of the British residents here to raise a moderate sum to enable him to pay the costs, and leave this country for England by an early opportunity.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

Enclosure in No. 51.

Final Sentence of the Special Commission of the Relacao on the Appeal of Marcos Ascoli to that Tribunal.—(Translation.)

Lisbon, 13th January, 1829.

Decided in the Tribunal of the Relacao, &c. That notwithstanding the embargos, folio 45, which, from their nature and con-

tents, they do not admit, the embargoed sentence shall be carried into execution; the prisoner to pay the additional costs thereby incurred, and they do not accede to the prayer of the petition, folio 50, and the 8th Article, because even by the translation requested (1) the allegation therein contained should be proved, the sentence would still subsist in full vigour on other grounds therein stated.

No. 52.

J. R. Matthews, Esq. to Lord Douglas:—(Received January 28.)

My Lord,

Lisbon, 17th January, 1829.

The excesses of the royalist volunteers which had ceased for some time past, have been renewed by acts of cruelty in the streets of Lisbon in broad day as well as at night. They are supposed to have been excited by some reported plot of a rebellion which is stated to have failed from want of energy, union, and pecuniary means; and some of our countrymen have unfortunately been the victims of the violent spirit that has shewn itself abroad.

I beg leave to lay before your Lordship, copies of two letters I have received from British subjects that have been assaulted and injured by the lawless bands that have thrown the whole town into alarm and dismay.

These outrages have generally been committed within the sight of the patrols of police guards which remain as passive spectators of these scenes which recall to mind those of the revolutionary sabreurs of France, and if the suffering party has not the good fortune of being in the vicinity of a guard of regulars or militia, he is sure to find no protection in the military police.

It is therefore naturally inferred that as these acts of anarchial cruelty are practiced with the full sanction of that military force, which receives its immediate orders from the effective Government of this country, the low ruffians engaged in these transactions may be secretly instigated to undertake them.

I have delivered copies of the above-mentioned letters to Viscount de Santarem, expressing at the same time my conviction that these acts were practiced with the full connivance of the secret Government of this country, and that the only means of removing that impression was to bring to immediate punishment the known perpetrators of these outrages, and to re-establish order and personal security throughout the town.

I have the honour to be, &c.

Lord Douglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

(1) Allusion is here made to the translation of the three Hebrew letters which were termed hieroglyphical characters in the sentence.

Enclosure 1 in No. 52.

Representation from Mr. P. J. Mac Kinna, a British subject, to the Duke de Cadaval.

Lisbon, 15th January, 1829.

Most illustrious and most Excellent Senhor,

To your Excellency, as Colonel-General of the Volunteer Royalist Corps, I address this letter, and from your Excellency as a nobleman of honour and proper military feelings, I hope it will receive due consideration.

In company with two gentlemen, a Frenchman and a Briton, I who am a subject of His Britannic Majesty, was walking in the square near the Exchange about sun-set last Sunday. Having had no quarrel nor dispute with the people of this country, I and my companions expected no molestation, when a party of six or seven persons, chiefly in the dress of the Volunteer Royalists, openly, wantonly, and hostilely insulted and assaulted us. When unknown armed men draw their swords against unarmed individuals, it becomes the duty of the latter to defend their lives; I was engaged in hurling to the earth a Volunteer Royalist who struck at me with a naked sword, when I received a serious wound in the face from one of his associates, some of whom struck at my companions, and by a blow bruised the shoulder of the French gentleman. On seeing a party of the main guard approaching from the other side of the square, those bullies fled. We however, with the assistance of the serjeant and his guard, succeeded in arresting the Volunteer Royalist who struck at me, and was easily recognized from his back being marked with the dirt from the ground on which he was thrown. Even against the guard did he draw his sword, as the soldiers and my friends and I can testify. In the guard-house he stated to me his name as da Cunha; but afterwards, on being taken before the magistrate of the Bairro do Roscio, Senhor Semblano, he gave it as da Costa, and mentioned other circumstances connected with his holding an appointment as Escrivao, &c. to the Senate of Lisbon, all which that magistrate, as I understood, wrote down in the document before him. As I could not say that he was the man who wounded me, this volunteer was set at liberty.

Those two gentlemen and I were not the only foreigners insulted and assaulted on that evening. I know several highly respectable British residents who have been most grossly maltreated. In-fact it is a general accusation made against the Volunteer Royalists that their abuse and attacks are in a great measure levelled at those persons whom they suppose to be British subjects.

From such assailants we do not expect redress; they as mere ruffians are beneath our notice; but your Excellency as Colonel-General of the Volunteer Royalist Corps must feel your honour involved in the conduct of those who are responsible for their acts solely to your Excellency, and acting from a sense of justice will promptly inflict on them some strong mark of disapprobation and punishment.

For this unaccountable conduct as well towards French and British subjects, some satisfaction is undoubtedly due from Volunteer Royalists: besides in this instance the infraction of military

discipline is evident to all the world. In Oporto, the Conde de San Lorenzo has caused to be reduced to the ranks, a serjeant who spat in the face of an Englishman. Without having given any provocation was I insulted, and so seriously wounded as to confine me for three days to my room, which has hitherto prevented me from offering these facts to your Excellency's notice.

I have the honour to be personally acquainted with the British Consul-General; and I shall remit to him a copy of this letter in order that it may be laid before the British Government.

With sentiments of due deference and consideration, I beg leave to subscribe myself, &c.

(Signed.) P. J. MAC KENNA.

The Duke de Cadaval.

Enclosure 2 in No. 50.

Mr. Donald Munro to J. R. Matthews, Esq.

Sir, *Lisbon, January 16, 1829.*

I beg leave to inform you, that on the evening of Sunday, the 11th instant, at about half-past six o'clock, while peaceably leaving the Praça do Commercio, at the entrance of Rua Augusta, in company with Mr. William Roberts, we were met by a party of upwards of twelve persons, the greater number in the uniform of the Royalist Volunteers, and wearing swords, the remainder in plain clothes, and carrying large sticks, who, without the smallest provocation on our part, pushed Mr. Roberts violently against me, (who then succeeded in escaping;) and when I had walked forward a few yards, one of them in uniform, with a deal of abusive language, struck me with a stick, or, I rather think, a sword, on the back of the head, and knocked off my hat. While in the act of picking up my hat, several of the Volunteers drew their swords and rushed upon me; and being without any means of defence whatever, I was compelled to trust to flight for my safety, and with difficulty escaped by way of Rua Augusta, several of the party with their swords drawn, continuing to pursue me, until I had nearly reached the Rua dos Retrozeiros, which you know to be the second division of the street first mentioned.

A distinct statement of the affair may be serviceable to you in your public character, and to our fellow-countrymen, who are exposed to similar treatment, and on that account I have laid it before you.

I have the honour to be, &c.

J. R. Matthews, Esq. (Signed) DONALD MUNRO.
&c. &c. &c.

No. 51.

J. R. Matthews, Esq. to Lord Dunglas.—(Received February 3.)

My Lord, *Lisbon, 24th January, 1829.*

I beg leave to acquaint your Lordship that the same packet which conveys this to England takes Mr. Marcos Ascoli, he having been delivered on board, judicially, in pursuance of his sentence.

[1.]

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The enclosed account is of the charges incurred in addition to those I transmitted in my despatch of December 31, of last year.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 52.

J. R. Matthews, Esq. to Lord Dunglas.—(Received February 3.)

(Extract.)

Lisbon, 24th January, 1829.

Having exhausted every argument with Viscount Santarem as to the removal of the British Vice-Consul of Tavira, from the prisons of San Julian to those of Lisbon, to be there placed in the hands of the British Judge Conservator, I regret to have to remark that it becomes useless for me to make any further application in favour of this individual, for the same neglect with which every transaction has been attended, which I have of late had the misfortune to have with this Government, is shewn for the crying claims for justice of this individual, confined since May last, notwithstanding the decrees published in the *Gazeta de Lisboa*, and the repeated verbal assurances of right: and it is rather an aggravation of this proceeding that M. de Santarem should assure me every week that he has done every thing in his power to persuade the Government of the propriety of overlooking and giving way in minor points, and of acceding to my just demands; since the delay, in solving any one question, displays the unequivocal determination of the Government of Portugal to refuse that common justice.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 53.

J. R. Matthews, Esq. to Lord Dunglas.—(Received February 14.)

(Extract.)

Lisbon, 31st January, 1829.

Week after week passes without my being able to obtain that the British Vice-Consul of Tavira be placed in the hands of the British Judge Conservator, though I have produced to this Government certificates from all the courts of law in the Algarves, that no crime or charge whatever lays against him, and that he is not named, even, in any law-suit of a political nature: yet this individual, thus unequivocally proved innocent, has been, with several hundred others, in similar circumstances, kept a close prisoner since May last.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 54.

Lord Dunglas to J. R. Matthews, Esq.

Sir,

Foreign Office, February 5, 1829.

With reference to your despatch of the 17th ultimo, enclosing copies of two letters, which you have received from British subjects, stating that they, and others, have been assaulted and injured by the Royalist Volunteers in the streets of Lisbon, within sight of the patrols of Military Police, who remain passive spectators of such excesses, I am directed by the Earl of Aberdeen to desire that you will again bring the subject before the Viscount de Santarem. You will represent to His Excellency, that desirous as His Majesty's Government are to put faith in the promises and assurances which you have so often received from him, they cannot longer affect ignorance of the fact, which is becoming daily more notorious, that the Portuguese Government have not the power, even if it be their inclination to secure to His Majesty's subjects in Portugal the observance of their acknowledged rights and privileges.

You will, therefore, acquaint M. de Santarem, that, if these excesses should continue, and the Portuguese Government should still be unwilling or unable to repress them, His Majesty's Government may shortly be compelled to send ships to the Tagus, for the purpose of enabling the British Consul and residents to leave a country where it will be evident that no Treaties are sufficient to protect them from insult and aggression.

I am, &c.

J. R. Matthews, Esq.
&c. &c. &c.

(Signed)

DUNGLAS.

No. 55.

J. R. Matthews, Esq. to Lord Dunglas.—(Received February 19.)

(Extract.)

Lisbon, 7th February, 1829.

On the 5th of November last, your Lordship did me the honour to write to me, that should there be any question as to the amount and nature of the compensation for the wrongs Marcos Ascoli had endured, I was authorized to state to M. de Santarem the expectation of His Majesty's Government that a sum of money should be granted to Marcos Ascoli, at the rate of eight dollars a day, for the time during which he remained in the secret dungeon. And I beg leave to remark that the question of compensation was never brought forward by the Portuguese Government; and all my efforts have tended (unfortunately in vain) to obtain the liberation of Marcos Ascoli, on the demand of His Majesty's Government, expecting that compensation would then be agitated as a matter naturally consequent upon it. As the sentence to costs and exile, has been put into execution, I trust His Majesty's Government will see the correctness of my having, till now, limited my communications on the amount of compensation to the verbal statement, that eight dollars a day were the sum demanded for the time Marcos Ascoli was confined, as above stated.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure in No 55.

J. R. Matthews Esq. to Viscount de Santarem.

Sir,

7th February, 1829.

I am also instructed to take the same occasion to acquaint your Excellency that His Britannic Majesty's Government, whilst they consent to receive the decree of the 31st December last, as a sufficient expression of the disapprobation entertained by the Portuguese Government of the conduct of the Intendant of Police, are determined to insist upon the payment of the compensation to Marcos Ascoli, which I was instructed by the Earl of Aberdeen's despatch, of the 5th of November last, and by Lord Dunglas's despatch of the same date, to demand from the Portuguese Government.

His Britannic Majesty's Government are not at present prepared to dispute the justice of the sentence which has been passed on Marcos Ascoli, all that they have ever contended for was, that he should have a fair trial before a legal tribunal, according to the forms secured to British subjects by Treaties; and this appears by my despatch to have been granted.

But whether he be innocent or guilty, His Majesty's Government consider themselves justified in demanding, for Marcos Ascoli, the compensation to which he is so fully entitled, in consequence of his unjust confinement in a secret dungeon for a longer time than ever, in the most aggravated cases, is allowed by the laws of Portugal.

I am further directed to inform your Excellency, that if the ten moidores given to Marcos Ascoli, by an officer of the Police, who has since disavowed it, were intended as compensation for the injuries suffered by Marcos Ascoli, that this cannot be looked upon in that light by His Britannic Majesty's Government, and that they are resolved to persist in the demand, which I was instructed by Lord Dunglas's despatch, of the 5th of November last, to make to the Portuguese Government, namely, that a sum of money should be granted to Marcos Ascoli, at the rate of eight dollars a day, for the thirty-four days, during which he remained immured in the secret dungeon.

I take the liberty to remind your Excellency, that on the day I had the honour to deliver into your hands a copy of the despatch of the Earl of Aberdeen, of the 5th of November, I mentioned verbally the sum of eight dollars a day, as demanded for the thirty-four days Marcos Ascoli was so confined, and I now beg leave to re-state that, in the despatch alluded to, Lord Dunglas expressly authorises me to declare to your Excellency the expectation of His Britannic Majesty's Government, that a sum of money should be granted to Marcos Ascoli, at the rate of eight dollars a day for the time during which he was immured in the secret dungeon.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

No. 56.

J. R. Matthews, Esq. to Lord Dunglas.—(Received February 19.)
(Extract.) *Lisbon, 7th February, 1829.*

I beg leave further to state, that no crime or prosecution whatever being discovered to exist against Mr. Manoel Baptista Bombazina, British Vice-Consul at Tavira, he is expected to be set at liberty in a few days. Some hundred Portuguese individuals in similar circumstances remain still confined in the prisons of San Julian.

I have the honour to be, &c.

Lord Dunglas.

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

No. 57.

J. R. Matthews Esq. to Lord Dunglas.—(Received February 19.)

My Lord,

Lisbon, February 7, 1829.

In my despatch of the 17th January, I had the honour to enclose to your Lordship, copies of two letters from British residents in this city relative to outrages committed by individuals of the corps of Royalist Volunteers; and I have now the honour to transmit to your Lordship herewith, a copy and translation of a letter from the Duke de Cadaval to Viscount Santarem, and which has been transmitted to me by his Excellency on the same subject.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure in No. 57.

Duke de Cadaval to Viscount de Santarem.—(Translation.)

Sir,

Lisbon, January 31, 1829.

On receiving your Excellency's dispatch of the 20th instant, accompanying another of the English Consul-general in this city, which enclosed a representation of Mr. Donald Munro, a British subject, complaining of having been insulted and maltreated by some royalist volunteer soldiers on the 11th instant, I immediately proceeded to make the necessary enquiries, and although the said representation affords no clue to discover the aggressors I availed myself of some slight explanations in a private letter addressed to me by another Englishman who also complained of similar insults on the same day; but could only collect from it, that the latter had been carried before the criminal Corregidor of the Bairro do Rocio with one Costa, an employé in the senate, and soldier in the company of the same senate, who was not considered by the complainant as the aggressor, but only brought as a witness, and when questioned by the said Corregidor if he knew the authors of the riot, he answered, no.

In view of this exposé, I can only beg of your Excellency to transmit to me (in case of there being furnished to you) any further explanations that may lead to the discovery of the delinquents, as in that case your Excellency may depend they certainly will be punished as good order requires. But I have to remind your Ex-

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cellency that besides the four battalions of Royalist Volunteers in this city, there are ten companies of Urban Royalist Volunteers and one of the Senate, which are not under my command.

Viscount de Santarem. (Signed) DUKE, DE CADAVAL.
&c. &c. &c.

No. 58.

J. R. Matthews, Esq. to Lord Dunglas.—(Received February 22.)
(Extract.) *Lisbon, February 14, 1829.*

I have the honour to enclose copy and translation of a note I have this day received from Viscount de Santarem. By it your Lordship may be pleased to observe that the Portuguese Government has acceded to the demand made by His Majesty's Government, of a compensation of eight dollars a day to Marcos Ascoli, for the thirty four days he was confined in the secret dungeon, and for which he is to apply to the Portuguese Consul in London. I will not venture any comment upon the resource of attributing to the Intendant of Police the delivery of the ten moidores as a compensation to Ascoli, and I will leave to your Lordship to infer what the principle of action of a Government must be that is ready to seize every opportunity to shew its indisposition to Great Britain by a series of petty vexations, and to treat the generous moderation and forbearance of His Majesty's Government with a neglect, in which some can find a matter of puerile triumph, which makes them anxious to conceal their shame of any concession when urged by the most imperious necessity.

Though they have ceded, at last in the case of Marcos Ascoli, I should not conscientiously perform my duty, did I not state that that I am fully convinced that, notwithstanding the publication of the decrees in favour of British and foreign subjects, the reprimand of the Intendant of Police and the punishment of one Magistrate, when others were equally guilty, we may expect a repetition of the same transactions.

Your Lordship will, therefore, form a correct opinion whether those coercive measures, which have till now been suspended by the superior generosity of His Majesty's Government on the natural supposition of some unity of foresight, and of rational policy in the present Government of Portugal may not prove the only effective means of averting a repetition of the troublesome and inconsiderate vexations they have not hesitated to support with every evasion, and of impressing a sense of international decorum by dictatorial means, where the dignified remonstrances of delicacy and honour had so tardy and small an effect.

I have the honour to be, &c.

Lord Dunglas, (Signed) J. R. MATTHEWS.
&c. &c. &c.

Enclosure in No. 58.

Viscount de Santarem to J. R. Matthews, Esq.—(Translation.)

Sir,

12th February, 1829.

The Portuguese Government having, in consequence of the claim of the British Government, made in the despatch of Lord Aberdeen

of the 10th December of last year, which you communicated to me, condescended to the desire of the Government of His Britannic Majesty, as it is clearly shewn by the note passed to the Intendant-General of Police, and published in the official part of the *Lisbon Gazette* of the 31st of the said month, ordering equally that a compensation should be given by the police to the British subject Marcos Ascoli, the Portuguese Government was persuaded, by the terms of the said despatch of the Earl of Aberdeen, that they had fully condescended to his demand.

As an ulterior event, however, occurs, which you communicate to me in your note of the 7th instant, that a larger sum was required, the Portuguese Government, to give to His Britannic Majesty's Government every proof of how much they desire to conclude this business, will give the necessary orders that their agents in London do deliver to the said Marcos Ascoli, the remainder of the sum that you mentioned in the said note; because the individual in question is now in that country, and it is necessary for that object that he should apply to the Consul-General of Portugal in that city.

God preserve you.

I am, &c.

J. R. Matthews, Esq. (Signed) VISCONDE DE SANTAREM.
&c. &c. &c.

No. 59.

J. R. Matthews, Esq. to Lord Dunglas.—(Received Feb. 22.)

My Lord,

Lisbon, 14th February, 1829.

In an interview I had yesterday with Viscount de Santarem, I represented to his Excellency the very extraordinary sensation that must be produced by the detention of the British Vice-Consul of Tavira in prison, under the immediate order of Dom Miguel, after he had been, on the 5th instant, declared innocent by the British Judge Conservator. I made use of every argument to obtain the liberty of this respectable man, kept a prisoner so unjustly since May last.

Notwithstanding the conviction his Excellency appeared to be in, of the propriety of my statements, he was only enabled to assure me that he would write to endeavour to obtain his release.

I have, however, the satisfaction to acquaint your Lordship, that the Vice-Consul of Tavira was this day set at liberty, and that he has since called upon me.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) J. R. MATTHEWS,

No. 60.

J. R. Matthews, Esq. to Lord Dunglas.—(Received March 14.)

My Lord,

Lisbon, 21st February, 1829.

In obedience to the orders of the Earl of Aberdeen, I have again brought before the Viscount de Santarem the subject of the excesses indulged in by the Royalist Volunteers, as appears from the enclosed copy of a note I wrote to his Excellency on the 17th instant, reciting nearly the whole of your Lordship's despatch of the 5th instant, and

prefacing it with the details of the outrages committed by the individuals of that corps at Setubal, where they have been allowed either to arrest or drive away, without any legal motive, the principal inhabitants of that town. The British Deputy Consul writes to me on the 19th instant, that he is still obliged to keep in doors, and is making arrangements, such is the uncontrollable sway of the mob of Royalist Volunteers, to leave Setubal on the 23rd instant, as the assurances of the military Governor, and of the Colonel of the Royalist Volunteers, have not been sufficient to protect a most respectable man, holding a high situation in the customs of that town, from being dragged to jail from his own office, on the false accusation of his singing constitutional songs. A greater or lesser degree of anarchy prevails unfortunately almost every where, and the Government may some day find it more difficult than they expect, to check this holy fire of royalism, as it has been termed by them, and which they consider expedient to entertain, thus giving to this Government, called absolute, many of the features of a riotous democracy. No excesses have been committed of late at Lisbon.

I have, &c.

Lord Dunglas,

(Signed) J. R. MATTHEWS,

&c. &c. &c.

P.S.—Recent accounts from Algarve state the continuance of tumultuous outrages and arrests being still committed in that district.

Enclosure in No. 60.

J. R. Matthews, Esq. to Viscount Santarem,

Lisbon, 17th February, 1829.

It is with great regret that I have to recall your Excellency's attention to the excesses committed by the Royalist Volunteers at Setubal. Not contented with having illegally arrested the Agent of the British Deputy Consul, as well as other Agents, and keeping him confined in prison with the full sanction of the local authorities that he may undergo the persecution and ruin of an unjust trial, they having insulted and threatened the brothers of that gentleman, and the British Deputy Consul himself is now placed in in such bodily fear as not to venture to leave his house; being threatened at the same time with a formal accusation on false evidence, as customary, in which those foreign Vice Consuls are comprehended who have been long since driven from their homes by this same party, that a specious plea may be given for the outrage of arresting them. But who are the individuals, who, in an important Sea Port, within a few miles from the seat of Government are allowed to spread terror among the superior class of the industrious inhabitants, and into whose hands the local authorities have abandoned the Government of the town under the strongest appearances of every superior sanction? They are Sir, a Thomas de Aquino, the workman of a shoemaker; Felicio, a barber; Pedro Jozi da Silva, a shoemaker, and some more of the same class, lately in penury and want, but now well protected and provided. These are supposed to be instigated by Vasco Manoel da Oliveira Banha, Lieut.-Colonel of the Royalist Volunteers; by Joao Jozi de Faria, a scrivener; and Joaquim Pedro Gomez de Oliveira, a

Clerk in the Post Office; and the whole of these appear sanctioned by the Juiz de Fora, the immediate Officer of this Government, without which this state of things could not thus last with impunity.

It is difficult to understand the policy of fomenting such a system of pointed hostility against the wealthier part of the industrious population as is now evinced in Setubal, and has been in the Algarve: but such a state of anarchy at the doors almost of the metropolis, calls imperiously for the serious consideration of this Government, if the maintenance of that order and personal security is intended, which is the object of established law.

I had the honour to lay before your Excellency the insults offered, and the outrages lately committed, against British subjects at Lisbon, by the Royalist Volunteers in the presence of the Patroles of the Police Guard, and I transmitted copies of those statements to His Britannic Majesty's Government.

I am, Sir, directed by the Earl of Aberdeen, to bring the subject again before you, and to represent that, desirous as His Majesty's Government are to put faith in the promises and assurances which I have so often received from your Excellency, they cannot longer affect ignorance of the fact which is becoming daily more notorious, that the Portuguese Government have not the power, even if it be their inclination, to secure to His Majesty's Subjects in Portugal the observance of their acknowledged rights and privileges. I am therefore to acquaint your Excellency, that if these excesses should continue and the Portuguese Government should still be unwilling or unable to repress them, His Majesty's Government may shortly be compelled to send ships to the Tagus, for the purpose of enabling the British Consul General and the British residents to leave a country, where it will be evident that no Treaties are sufficient to protect them from insult and oppression.

I have the honour, &c.

Viscount Santarem,
&c: &c. &c.

(Signed) J. R. MATTHEWS.

No. 61.

J. R. Matthews, Esq. to Lord Dunglas.—(Received March 14.)

My Lord,

Lisbon, 21st Feb. 1829.

In answer to your Lordship's despatch of the 5th instant, reminding me in the case of Mr. Bombazina, Vice-Consul at Tavira, that, unless some alvara or decree exists, by which persons acting as British Vice-Consuls in Portugal, although Portuguese subjects, are entitled to the privileges of subjects of Great Britain, His Majesty's Government cannot interfere to prevent the laws of Portugal taking due course with a subject of that kingdom, I beg leave to enclose translation of a decree of the 2d of May, 1812, enacting, that no *Cartas de Privilegio* (a parchment document made out to British subjects only under the High Chancellor's seal, and enumerating the principal privileges of that nation) be delivered to any persons whatever named Vice-Consuls, before they have been approved of by the Sovereign.

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Now Mr. Bombazina was in possession of his *Exequatur* and of a *Carta de Privilegio*, as a British subject; and being thereby acknowledged by this Government to be entitled to the privileges of the same, I hope the Earl of Aberdeen will approve of my having interfered to obtain his liberation.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed) J. R. MATTHEWS.

&c.

Enclosure in No. 61.

Decree of the 2d of May, 1812, whereby Cartas de Privilegio, as to British Subjects, are granted to all persons when approved of as British Vice-Consuls.—(Translation.)

The Prince Regent our Lord, orders it to be declared to you, that *Cartas de Privilegio* are only to be granted to individuals who shall be nominated Consuls or Vice-Consuls of any Foreign nation in this kingdom of Portugal, when their respective nominations have been confirmed by His Royal Highness; which I communicate to you for your information and guidance.

God preserve you. Palace of the Government, 2nd May, 1812. (Signed) MIGUEL PEREIRA FORJAS.
Joaquim Antonio d' Araujo.

Fulfilled and registered in all the offices of the Conservatorial Court, the original remaining in that of Feliz Joze de Carvalho.

(Signed) ARAUJO.

No. 62.

J. R. Matthews, Esq. to Lord Dunglas.—(Received March 14.)

My Lord,

Lisbon, 21st February, 1829.

I beg leave to acquaint your Lordship that I have received at a late hour this night, a satisfactory note from Viscount Santarem in date of this day, on the subject of the excesses committed at Setubal by the Royalist Volunteers, related in my despatch of February 21, transmitting to me copies of an order sent by the Duke of Cadaval as Colonel General of the Royalist Volunteers, to the Colonel of that corps at Setubal, making him responsible for the imprisonments made by the volunteers of his regiment, without superior injunctions; and of another order by the same, turning out of the said corps the three men that had made themselves most conspicuous in the outrages that have taken place in that town.

The unusual promptitude of these measures proves a better disposition towards justice and tranquillity, at the same time that it shews the obligation conferred by entering sometimes into the minor details of these occurrences, as the only means of bringing truth and the real state of these cases before the Ministers of this Government.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed) J. R. MATTHEWS.

&c.

No. 63.

J. R. Matthews, Esq. to Lord Dunglas.—(Received March 14.)

(Extract.)

Lisbon, 24th February, 1829.

The system of arrests still continues here, and extensive authority is given to certain individuals to take up the persons they may suspect.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 64.

J. R. Matthews, Esq. to Lord Dunglas.—(Received March 17.)

(Extract.)

Lisbon, 2d March, 1829.

The state of this country cannot be expected to vary as long as the elements of its Government are the same. It becomes every day more undeniable that the views of those Ministers, who are put in evidence are obstructed by the indirect efficacy of that party, in which alone power is vested, and that the determination of carrying through a certain system is not to be altered by any lateral impressions, that may, through foreign agents, cause it for the time being to swerve from the straight course laid down.

To illustrate the above, I will beg leave to refer to my despatch of February 21, where I allude to the copy of an order transmitted to me of the Duke de Cadaval, to dismiss from the royalist volunteers three individuals, as having distinguished themselves in the arrests and the insults offered to the respectable inhabitants of Setubal. The battalion was drawn out and the ceremony performed of dismissing these men from the service; but the following day they were seen in full uniform, in riots, and the principal leader of the three in full dress, in company with the local authorities, and in the presence of some of their officers.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

No. 65.

J. R. Matthews, Esq. to Lord Dunglas.—(Received March 17.)

(Extract.)

Lisbon, 7th March, 1829.

A great political effect appears to have been determined upon here, and the following five individuals were hung yesterday, and their heads are still sticking upon spikes, in one of the most public squares of the town, to the terror of the inhabitants. Brigadier General Moreira, Lieutenant Ferreira Braga, Lieutenant Vellez Barreiros alias Perestrello, cadet Scarniche and midshipman Chaby. The son of Brigadier Moreira was made to be present at the execution, and to see his father's head stuck on the spike, also to walk three times round it. His mother has since expired with grief, and the father of one of the sufferers, of sixteen years of age, has destroyed himself.

It is difficult to reconcile such severity, with the charges brought forward in the sentence, as the fact of their having been all im-

plicated in the rebellion, planned for the ninth of January last, is not proved. An execution of a similar nature is expected to have taken place at Oporto on the same day.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed)

J. R. MATTHEWS.

No. 66.

J. R. Matthews, Esq. to Lord Dunglas.—(Received April 6.)

My Lord,

Lisbon, 26th March, 1829.

I beg leave to enclose to your Lordship a copy of a note I addressed to Viscount Santarem, on his acquainting me that the exequatur granted to Mr. Basilio de Oliveira Camossa, British Vice Consul at Aveiro, was annulled, requesting that whatever penalties he may have incurred should be result of a sentence grounded on the laws of Portugal, and that his trial should be proceeded upon in the British Conservatorial Court, as in other similar cases; and copy of the answer of the Minister of Justice to the Minister of Foreign Affairs, refusing to grant him what is due to him as Vice Consul. Without further proceedings on this subject be deemed expedient by your Lordship, I shall not persevere in my request; but I cannot omit calling your Lordship's attention to the spirit that has dictated the note of the Minister of Justice, prejudging the question in the face of right and precedent.

The tribunal of the British Judge Conservator at Oporto being a Portuguese court, there can be no other meaning given to his statement—"that another court is better authorized," except the unguarded concession, that it is well known that the sentences of the Alcada are to emanate from the superior Government alone, and not from a fair interpretation of the laws, at the same time he throws a reflection on the Conservatorial Court, which is, as a point of justice, undoubtedly honourable to the magistrate that holds the place of Judge Conservator at Oporto.

Instead of answering my request, he confirms the above supposition, by persisting in the act of injustice of visiting Mr. Camossa with one of the penalties of the law before trial, and thus arbitrarily delivering him over to the tribunal of the Alcada, over which he exercises a direct control, so as to leave no doubt on the result of the trial.

The principle thus exposed throws much light on the judicial proceedings of this country.

I have the honour to be, &c.

Lord Dunglas,
&c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure 1 in No. 66.

J. R. Matthews, Esq. to Viscount Santarem.

Sir,

Lisbon, 11th March, 1829.

I have received the note your Excellency did me the honour to write to me in date of yesterday, acquainting me that the Exequatur

of Mr. Basilio de Oliveira Camossa, British Vice Consul at Aveiro, was annulled in consequence of a charge of rebellion being brought against him.

As by the private information I have received on the motives of the absence of Mr. Camossa from Portugal, I have every reason to believe that personal and local enmity has obliged him to withdraw to avoid that licentious and ill-grounded violence which has destroyed his house and property. I will venture to submit to your Excellency whether it would not be more consonant with the common principles of equity that he should be fairly tried in a competent court of justice, so that any penalties he may be subject to, or any measures expedient to be taken in this matter might be grounded on the sentence of law.

I therefore beg leave to request that, as in the case of Mr. Almeida, British Vice Consul at Villa Real de San Antonio, the proceedings of Mr. Basilio de Oliveira Camossa, may be remitted for trial to the British Judge Conservator at Oporto.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure 2 in No. 66.

Viscount Santarem to J. R. Matthews, Esq. (Translation.)

23rd March, 1829.

In answer to your official letter of the 11th instant, respecting the ex-Vice Consul of your nation in Aveiro, Basilio de Oliveira Camossa, I transmit to you the enclosed copy of an official note that I have received from the Minister of Justice, replying to the communication which I made to him upon your requisition, concerning that individual.

God preserve you, &c.

J. R. Matthews, Esq.
&c. &c. &c.

(Signed)

VISCOUNT SANTAREM.

Sub-Enclosure in No. 66.

The Minister of Justice to Viscount Santarem,

(Translation.)

20th March, 1829.

IN acknowledging the receipt of the official note which your Excellency, addressed to me in date of the 13th instant, enclosing the translation of another, that your Excellency received from the British Consul General at this court, in which he requests that the process of the late Vice Consul of his nation in Aveiro, Basilio de Oliveira Camossa, the exequatur of whose nomination as Vice Consul has been annulled in consequence of his having been accused of rebellion, should be remitted to the British Judge Conservator at Oporto, your Excellency requiring of me to enable you conveniently to reply to the said Consul General; I have the honour to state to your Excellency, that the said Basilio de Oliveira Camossa, shall, and must be tried in a court still better authorized than that of the said Conservator, which is that of the Alcada, ordered to the above mentioned city of Oporto, and the exequatur of his com-

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mission having been cancelled, and he being no longer English, it is not therefore possible, without offending justice, to make an exception, in respect to him, by withdrawing his trial from the Competent Court.

Viscount Santarem, (Signed)
&c. &c. &c.

LUIS DO RIO DE MENDOUCIA.

No. 67.

J. R. Matthews, Esq. to Lord Dunglas.—(Received April 30th.)

Extract.

Lisbon, 21st April, 1829.

I have used my best exertions to obtain the repeal of the sentence for expulsion for Portugal of Mr. Noble, junior, which was confirmed by the accords on the two appeals, copy and translation of which I beg leave to enclose, and I entertain the best hope that I shall not be unsuccessful.

I wrote privately without delay to Oporto, to prevent the hasty embarkation of Mr. Noble, junior, whose friends seem anxious that he should forthwith be removed from prison; and I should expect that another letter from me, which must have been received at Oporto on the morning of the 16th, must have suspended his intended embarkation, so that an opportunity might still be given to the dilatory proceedings of this Government, increased by a change in the Ministry of Justice, to spare him an ignominious exile.

I have the honour to be, &c

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

Enclosure 1 in No. 67.

Decision of the Tribunal of the Relacao at Oporto, on the first Appeal of Mr. Charles Henry Noble, against their Sentence ordering him to be exiled from Portugal.—(Translation.)

Oporto, 4th April, 1829.

Decided in the Relacao, that notwithstanding the appeal, which on consideration of the proceedings on his trial is inadmissible, the sentence appealed against is to remain in full force, and the appellant is to pay the increased costs.

(Signed)

CARNEIRO,
SAREIVA,
MENEZES,
MAGALHAENS,
MEXIA,

CAMARA LIME.
MARINHO.
DUARTE.
ALMEIDA.

Enclosure 2 No. 67.

Decision of the Tribunal of the Relacao at Oporto, on the second appeal of Mr Charles Henry Noble.—(Translation.)

Oporto, 7th April, 1829.

Decided in the Relacao, that notwithstanding the appeal, which from the matter it contains, and on the consideration of the

proceedings on his trial, is inadmissible, the sentence appealed against is to remain in full force, and the appellant is to pay the increased costs.

(Signed)

CARNEIRO,
SAREIVA,
MENEZES,
MAGALHAENS,
MEXIA,

CAMARA LIME.
MARINHO.
DUARTE.
ALMEIDA.

No. 68.

J. R. Matthews, Esq. to Lord Dunglas.—(Received May 7.)

My Lord,

Lisbon, April 25th, 1829.

I regret to have to acquaint your Lordship, that the hopes I had expressed in my despatch of the 21st instant, and which Viscount Santarem had led me to entertain, that I should be furnished with some satisfactory communication for this packet on the subject of Mr. C. H. Noble, have been disappointed. M. de Santarem informed me yesterday, verbally, that no repeal of the sentence for exile had taken place, and that the difficulties of obtaining it were very great.

Considering it idle to deem this proceeding any less than a refusal, after having thus deluded the protracted hopes of a repeal, I have deemed it expedient to acquaint Mr. Consul Crispin, by this day's post, that I can no longer take upon myself to encourage the delay of Mr. Noble's embarkation.

I represented to M. de Santarem the aggravation of severity with which the magistrates acting under the sanction of Government meant to impress upon this British subject the ignominy of an unjust sentence as appears by the enclosed copy of a correspondence of Mr. Consul Crispin.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c.

&c.

&c.

Enclosure I in No. 68.

John Crispin, Esq. to J. R. Matthews, Esq.

Oporto, Tuesday, 21st April, 1829.

On Sunday night, drawing near to ten o'clock, I received a letter from Mr. C. H. Noble, dated the preceding day, the 18th instant, inclosing a copy of his representation to the acting Juiz Relator, and the reply: as also of his second application, and the second reply; and he then requested I would move in pointing out the injustice of such a decision, and seeking relief.

Under other circumstances the course of Mr. Noble would have been to appeal to the Relacao, and I should have recommended to him thus to proceed; but after what has transpired in that court, and that it would sit only after Easter Term, it appeared to me there could be no other means of applying for the justice he sought against a decision, or what I might call an extension of sentence, of that court, but by my applying officially to the Governor of Justice. This I did yesterday, without retrospect

to what has transpired, which I studiously avoided; and therefore in my exposé I stated, "under these circumstances he continues to feel himself aggrieved, and has recurred anew for my official intervention, touching this matter only, which I have now executed by this application."

To this plain statement I have now received an answer of a nature that is worthy of the recent proceedings, though I will confess, not expected, I do not wish to prolong such a correspondence, but shall reply to the latter.

Of the paper, relating to what has transpired on the subject, I beg to transmit four enclosures, and to draw your attention particularly to the contents of my representation to the Governor of Justice and his reply.

This morning I was favoured with your private letter of the 18th instant, which Mr. Page and Mr. Kurat both read, as far as related to Mr. C. H. Noble, and they told me they would mention it to Mrs. Noble and her son.

I have the honour to be, &c.

J. R. Matthews, Esq.

(Signed)

JOHN CRISPIN.

&c. &c. &c.

Sub-Enclosure A in No. 68.

Mr. Noble to J. Crispin, Esq.

Porto Prison of the Relacao,

Saturday, 18th April, 1829.

Sir,

I take the liberty of troubling you with copies of two petitions that I made to the Ouvidor do Crime and Juiz Relator.

In the first petition, I requested an order to allow me to proceed on board the brig *Oporto*, Captain Martin, my friends having in conformity with the sentence of the Senate of the Relacao of this city, taken my passage on board of that vessel. The answer, as you perceive is, that he will not allow me to quit this prison, until the same vessel weighs anchor.

In the second petition, I lay before the judge the obstacles which appear in such a proceeding, and requesting him to order me to be delivered to the Captain of the vessel. To this the judge answers, "I have already decided."

You are well aware that the vessel may weigh anchor, and in half an hour afterwards be the other side of the Bar.

Now, Sir, how can it be expected, that, in half an hour, I can obtain all the necessary papers, officers, &c., and reach the vessel ere it has left the river; but all this proves what I wrote you in my last letter, viz., "that I have been fixed upon as an object of persecution;" and I plainly see that they are determined to annoy me in every way they can.

I have therefore to request you will use your influence in pointing out to the judge the cruelty and injustice of such an answer.

What makes me hasten my departure is the near approach of the summer heat, which has already commenced, and the number of my companions being so great that I dread the consequences even another week may make in my health.

I have the honour to be, &c.

John Crispin, Esq.

(Signed)

CHARLES HENRY NOBLE.

&c. &c. &c.

Sub-Enclosure B. in No. 60.

J. Crispin, Esq. to the Governors of Justice.

Oporto, April 20, 1829.

In consequence of Charles Henry Noble, a British subject, having requested my official intervention respecting a new circumstance that has occurred in the execution of the sentence preferred against him, I have the honour to request your Excellency will be so good as to take into due consideration what I am going to state, and to apply to it the necessary measures forthwith.

The said Charles Henry Noble was condemned by sentence of the Relacao, to be expelled this kingdom, and its dominions, signing a bond in prison, to return no more, under penalty of being transported to the estates of India in case of contravention; and in the execution of the sentence, they determined that he should be conducted, under escort, to the ship in which he was to be conveyed. Charles Henry Noble, in consequence, petitioned the Magistrate acting in the absence of the Judge, to order the gaoler to deliver him over to the officer of the Court, who was to accompany him on board the ship called *Oporto*, Captain Martin, ready to sail for England, but was answered that he would be removed "on board when the vessel should be weighing anchor under charge of the competent officers, until he is out of this port." He rejoined, but with no better success. Under these circumstances he finds himself aggrieved, and has again applied for my official intervention as far as regards this circumstance only, and which I am now to fulfil in this manner. Your Excellency will perceive that in the answer of the officiating magistrate, a notorious violence, is done to the said British subject, for in the first place, the sentence by which he is condemned having simply declared, that he would be conducted under escort to the vessel that should convey him, precludes any deviation from it, in the whole or in part; it seems that in conducting the said British subject under arrest, to the ship destined to convey him out of the kingdom, the sentence would be fulfilled in the only manner it could legally be done. In the second place, it being nearly impossible to mark the exact time in which the vessel may be weighing anchor, and ready to proceed over the bar, so as to insure his removal at the proper moment, and in the event of any unforeseen contingency occurring to detain the vessel after his being put on board, the consequence would be his being remanded to prison, &c. Finally, no inconvenience can result to the execution of the sentence by the prompt removal of the said British subject on board, because he would subject himself to the penalties attached by any infraction of his sentence.

This being doubtless the case, I hope your Excellency, as governor and principal magistrate, will order the sentence to be executed in the manner prescribed, and that the said British subject be removed on board the vessel above referred to without delay.

Besides the justice of the case, there are motives of humanity which would urge a compliance with this request; as his longer confinement in prison, may have the worst effects upon his health, already seriously injured by it, and as your Excellency never denies

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to any the former, and ever attends to the call of the latter, I have the best grounded hope, in the ready adoption of the necessary measures to ensure the object of this application.

(Signed) JOHN CRISPIN.

Sub Enclosure C. in No. 68.

The Governor of Justice to John Crispin, Esq.—(Translation).

Oporto, April 21, 1829.

I received your letter yesterday evening at an hour and on an occasion when it was not in my power to give you an answer, being a day on which I must hold a Levee of all the Ministers of this city and relacao.

In, therefore, answering you now, I have to state, that even supposing it appears, in some measure that the demand of Charles Henry Noble is well founded, I cannot grant it, or give any instructions on such an object without hearing the Judge of the Process, to enable me to order him to report. It is necessary that application should be made to me in form on behalf of Charles Henry Noble, that I may, on sight of the petition, and report of the Judge thereon, to decide on what may be conformable to Justice, or what the equity of the laws permit. This is what I have at present to answer on the subject of your letter.

I have the honour to be, &c.

John Crispin, Esq. (Signed) AYRES PINTO DU LOUZA.
&c. &c. &c.

Sub-Enclosure D. in No. 68.

Petition of Mr. Charles H. Noble.

Charles Henry Noble, of the British nation, confined in the prison of the Relacao, represents, that the sentence being about to be put in execution, by which he is banished these kingdoms, under pain of being transported to India should he return, prays your Lordship will issue an order to the jailer of the prison, to deliver up the petitioner to the prison solicitor, and the scrivener of convicts, that they may, with the competent officers, accompany the petitioner on board the ship *Oporto*, Captain Martin, who will sign the usual bond.

Order of the Judge.

Let the (Alvara) order be passed, and the petitioner conveyed on board the ship referred to, when she is weighing anchor, accompanied by the competent scrivener and officers outside the harbour, the said scrivener certifying that the petitioner has effectively departed, and the master signing the usual bond.

(Signed) NEGRAO.

Sub-Enclosure E. in No. 68.

Mr. Charles H. Noble's Reply.

The vessel is on the point of sailing, the petitioner has paid his passage, and as your Lordship has desired the order to be granted only when the vessel is weighing her anchor, the scrivener demurs passing it : in such case it will be impossible ever to verify his departure, because the vessel on weighing anchor will sail immediately, and neither the scrivener or officers will be ready at the moment to convey petitioner on board, nor will the vessel wait for him after her anchor is up, it being sufficient that the vessel being now loaded and ready to sail, the petitioner should be delivered to the captain, on his signing the necessary documents.

Petitioner therefore prays you will order his delivery on board, in the terms of his sentence.

Decision.

I have already decided.

(Signed)

NEGRAO.

No. 69.

J. R. Matthews, Esq. to the Earl of Aberdeen.—(Rec. June 17.)

(Extract.)

Lisbon, 23rd May, 1829.

On the 21st instant, the day of the receipt of the despatch your Lordship did me the honour to write to me on the 13th instant, I wrote to Viscount de Santarem the note, of which the enclosed is a copy.

I waited upon his Excellency yesterday, at 12 o'clock, at his request. He read to me the rough copy of a despatch he said he had written to Visconde d'Asseca in London, purporting that the sentence passed on Mr. Charles Henry Noble was annulled, and all the penalties attached thereto abrogated ; and that he had merely to arrange the judicial forms with the Minister of Justice. He offered to give me a written acknowledgment of my note, if I required it ; but observed, that it would be more satisfactory for me to have a conclusive and definitive answer for the packet, that was to sail after this on the 30th inst.

To this I agreed. He remarked that, consequently, Mr. C. H. Noble would be able to return to Portugal, and that the effects of the sentence would be done away ; but such was the importance he attached to his not returning at present, that he seemed to hold the concession as conditional for his not returning for some months, and that, at all events, he could not shew himself here before these judicial forms were gone through and completed.

I remarked that, after such a determination, it was to be hoped that no hesitation or reserve would hereafter paralyze the effect of the measure, and I did not doubt to give it as my opinion, that in the present state of the public mind, it might be desirable for Mr. C. H. Noble to be absent from Portugal for some time.

I infer that M. de Santarem must have had some intimation of your Lordship's intention to address this Government peremptorily, or that their measure was already decided upon, after seeing the

tenour of the communication I made in virtue of the despatch I received from Lord Dunglas, in date of the 15th ult.

I have, &c.

The Earl of Aberdeen, K. T. (Signed) J. R. MATTHEWS.
&c. &c. &c.

Enclosure in No. 69.

• *J. R. Matthews, Esq. to Viscount de Santarem.*

Lisbon, 21st May, 1829.

I have the honour to acquaint your Excellency that His Britannic Majesty's Government have learnt with surprise, and with very great regret, the failure of the remonstrances made to the Government of Portugal, in order to procure a reversion of the unjust sentence, which has been passed upon Mr. Charles Henry Noble, at Oporto, after having been acquitted by the Judge Conservator.

The outrage committed against that British subject stands now aggravated by the unjustifiable sequester of the property of Mr. Noble at Oporto.

Without hereby prejudicing those claims that must arise out of the arbitrary violence practised in the previously-mentioned case, I must beg leave to state that this measure is wholly inadmissible, and that I have received peremptory orders from His Britannic Majesty's Government to demand, and I do therefore demand from the Government of Portugal, that the sequester that has been laid upon the property of Mr. Noble at Oporto be removed forthwith, not doubting but that your Excellency will be so good as to see the propriety of using that expedition in this case, which will enable me to transmit your definitive answer, by the packet which takes the mail on the day after to-morrow.

I have the honour to be, &c.

Viscount de Santarem, (Signed) J. R. MATTHEWS.
&c. &c. &c.

No. 70.

J. R. Matthews, Esq. to Lord Dunglas.—(Received June 17.)

My Lord, *Lisbon, 30th May, 1829.*

I have the honour to transmit, herewith, translation of a note I have received this evening from Viscount Santarem, in answer to that which I directed to his Excellency on the 21st instant, in obedience to the orders contained in your Lordship's despatch of the 13th instant, to demand the removal of the sequester laid on Mr. Noble's property.

In an interview I had yesterday with M. de Santarem, he assured me that he would cause communications to be made to His Britannic Majesty's Government to that effect, and that directions should be sent to M. Sampayo, the Portuguese Consul-General in London, not to refuse Mr. C. H. Noble a passport to come to Portugal, if required.

I have the honour to be, &c.

Lord Dunglas, (Signed) J. R. MATTHEWS.
&c. &c. &c.

Enclosure in No. 70.

Viscount Santarem to J. R. Matthews, Esq.—(Translation.)
Palace of Queluz, 29th May, 1829.

Sir,

In answer to the note you addressed to me, in date of the 21st instant, on the subject of Charles Henry Noble, and on the taking off the sequester laid on his property, in virtue of the sentence pronounced against him; it becomes me to acquaint you that I am authorized by the Most Faithful King, my August Master, to combine with the Minister of Justice, the judicial form to carry into effect the sovereign resolution, which His Majesty has taken, revoking the penalties that were imposed by the above-mentioned sentence; the result of which I shall not delay in communicating to you that it may be transmitted to His Britannic Majesty's Government.

God preserve you, &c.

J. R. Matthews, Esq. (Signed) **VISCOUNT DE SANTAREM.**
 &c. &c. &c.

No. 71.

J. R. Matthews, Esq. to Lord Dunglas.—(Received July 17.)
 (Extract.) *Lisbon, 6th July, 1829.*

To prevent the imprisonment of British subjects on their arrival in Portugal on the plea of some small irregularity in their otherwise correct passports, I have been under the necessity of framing a reply to the note transmitted to me by Viscount Santarem, in answer to that I directed to His Excellency, on the arrest at Belem, of David Anthony Stoddart, and enclosed to your Lordship in copy with my despatch of 28th June.

It is grievous to find the Minister of Justice sanctioning such proceedings after the numerous remonstrances made by me by order of His Majesty's Government, as to the respect due to the privileges wisely secured by treaty to protect British subjects from such arbitrary measures.

I have the honour to be, &c.

Lord Dunglas, (Signed) **J. R. MATTHEWS.**
 &c. &c. &c.

No. 72.

J. R. Matthews, Esq. to Lord Dunglas.—(Received 31st July.)

My Lord,

Lisbon, 18th July, 1829.

On the 27th May last, I received from the acting British Deputy Consul at Figueira, the information that a British subject, John William Serjeant, a friend of his, was then confined in the prison of the University of Coimbra, having been arrested on the 14th of July, 1828, by the Juiz de Fora, of Figueira; I requested Viscount de Santarem either that this British subject should be liberated, or that, in conformity with our Treaties, his trial should be referred without delay to the Judge Conservator at Lisbon or Oporto.

On the 1st of June ultimo, I transmitted to His Excellency an original petition of the said Serjeant in the Juiz de Fora Tentugal,

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proving that the summario of his case had been transmitted in original to the Minister of Justice in August, 1828. In the full expectation that the verbal assurances I had received from the Viscount that this case had been forwarded in its due course, I did not again apply to His Excellency till the 29th of June ultimo, when I was in possession of the certainty that my just request had not been attended to, and I enclosed a petition from the said Serjeant praying to be removed to the prisons of Oporto, under the jurisdiction of the Judge Conservator, and not transferred elsewhere.

This prisoner has however been transferred to Almeida instead of Oporto. I have this day received from Viscount de Santarem the answer I beg leave to enclose in copy and translation, to which I have added an extract of a Royal Decree annulling all acts of innovation, decrees, laws, &c. of the Cortes of 1820, by which the act of conformity called naturalization not performed according to the laws of the kingdom of Portugal is rendered null and void; and as in the same document Mr. Serjeant declares and protests never to bear arms against the King of Great Britain, he cannot well have forfeited his allegiance, as by the said decree this act of conformity before the Corporation of Figueira is even annulled. I shall therefore repeat my request for the trial of this Mr. Serjeant to be referred to the Court of the British Judge Conservator.

I have the honour, &c.

Lord Dunglas,
&c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure in No. 72.

Viscount de Santarem to J. R. Matthews, Esq. (Translation.)

Sir,

Lisbon, 18th July, 1829.

Having before me the official notes, which you addressed to me, in dates of the 27th May, and 29th June last, relating to John William Serjeant, a prisoner in the jail at Coimbra, I must previously remind you of the cause of the delay that has occurred in the decision on his reclamation, which does not fall in any way upon the Portuguese authorities. The said individual having committed an act of naturalization to a Portuguese vassal on the 14th April, 1823, in which he expressly declared that he never claimed the privileges of a British subject, and that he always travelled with a Portuguese passport; and having lastly, in the year 1828, taken up arms against the Government of His Majesty, and commanded a Guerilla corps, which he employed against the existing Government, he was in consequence imprisoned and prosecuted by the Alcada of Oporto, without having declared himself to be a British subject, until the 6th of May last, when, to obtain protection from His Britannic Majesty's Government, which he had voluntarily renounced in 1823, he asked and obtained the "*Carta de Privilegios*" of an Englishman, in date of the 29th May last. Under these circumstances, the necessary orders were issued to verify his identity, to enable him to be placed at the disposal of the Judge Conservator, in case he shall be found to be an Englishman, according to the actual legislation of this country.

In the face of all these contradictions, so soon as I obtain the

decision of the competent Ministry, I shall advise you, and the requisite orders will be issued.

I have, &c.

(Signed)

VISCOUNT DE SANTAREM.

J. R. Matthews, Esq.

&c. &c. &c.

Sub-Enclosure in No. 72.

Extract from a Royal Law, dated 4th June, 1824, annulling all Acts of Innovation, Decrees, and Laws, from the self-named Cortes.—(Translation.)

ARTICLE I.

The said Cortes being destitute of all uthority, sovereign and legislative power, all imnovations, decrees, and laws emanating from them, are null and of no effect : and I order that in no time whatever they shall be quoted and alleged either in courts of justice or thereout, nor incorporated in any code of laws emanating from the illegitimate authority of the Kings of these Kingdoms, under such penalty as I may be pleased to inflict on the transgressors of this my royal determination.

No. 73.

J. R. Matthews, Esq. to Lord Dunglas.—(Received 15th August.)

My Lord,

Lisbon, 25th July, 1829.

I beg leave to enclose copy of a note I addressed to Viscount Santarem, transmitting, a petition from John Joseph de Fragoas, a native of Gibraltar, a prisoner since the 25th of August last year, praying to be brought to trial before the British Judge Conservator.

I have the honour to be, &c.

Lord Dunglas,

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

Enclosure in No. 73.

J. R. Matthews, Esq. to the Viscount de Santarem.

Sir,

Lisbon, 20th July, 1829.

I have the honour to enclose herewith copy of a petition sent to me by John Joseph de Fragoas, affirmed by the Deputy British Consul-at Faro, to be, as he states himself, a native of Gibraltar, consequently a British subject ; who having been arrested at Olhao on the 13th of June, 1828, was set at liberty, by General Palmeirin, Governor of the Algarves, but was subsequently again taken up, and has been a prisoner since the 25th of August of last year.

He is now confined in the prison of fort St. Julian, without knowing why he should thus be deprived of his liberty, and why his property should have been seized.

I deeply regret that any circumstance should have till now prevented my being made acquainted that this British subject was thus kept in prison without a trial, and I lose no time to request your Excellency will be pleased to take the necessary measures, that he may, without further delay, be placed at the order of the British.

Judge Conservator, that his case may be investigated, and he be restored to his liberty and property.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed.) J. R. MATTHEWS.

Sub-Enclosure in No. 73.

Petition of John Joseph de Fragoas, addressed to J. R. Matthews, Esq.

*Prison, No. 131, Fortress of San Julian,
Lisbon Bar, 29th June, 1829.*

John Joseph de Fragoas, a British subject (and married to a female subject of the same Government) a native of Gibraltar, where he served in the Royal Arsenal in the works of the fortifications for thirteen years "as an overseer." The petitioner passed to this capital with the corresponding passport of the Secretary to Government in May 1826, which passport remains in your possession. The Petitioner having proceeded to establish himself with his family at the town of Olhao, Kingdom of Algarve, and as in the occurrences which took place in Algarve, many persons were imprisoned, the petitioner was arrested on the 13th of June last year; and as he proved by documents to the general commanding in Algarve (Palmeirin) that he had always been obedient to the Portuguese Government, he ordered him to be released; but unfortunately the petitioner was again taken up on the 25th August of the said year, and conducted to the jail of this court, and thence to that of this fortress, having previously taken from him his property; and until the present time the petitioner does not know the cause of his imprisonment.

The petitioner therefore prays that you will, as Consul of his nation, interpose, that he may enjoy the rights which belong to him in the British conservatorial court, that the petitioner may be liberated, and that his house, &c. may be restored to him; and should he not be permitted to reside in this kingdom, the petitioner begs to be furnished with a passport for Gibraltar where his family now remain.

(Signed) JOHN JOSEPH FRAGOAS.

No. 74.

J. R. Matthews, Esq. to Lord Dunglas.—(Rec. August 15.)

My Lord,

Lisbon, 25th July, 1829.

I beg leave to enclose herewith under Nos. 1 and 2, copy of my correspondence with Viscount de Santarem to obtain that Mr. John William Serjeant should enjoy the privilege of being tried by the British Judge Conservator. I have succeeded at last.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) J. R. MATTHEWS.

Enclosure 1 in No. 74.

J. R. Matthews Esq. to Viscount de Santarem.

Sir,

Lisbon, July 20, 1829.

Your Excellency's note of the 18th instant, assigns motives for the delay in acting upon the request contained in mine of the 27th May and 29th of June last, on the subject of Mr. John William Serjeant, yet the investigation made to prove this individual to be a Portuguese, and not a British subject, appears on your Excellency's own statement, not to have been successful, as the only discovery thereto seems to be an act performed by him before the Corporation of Figueira on the 14th April, 1823, in conformity to the laws of the Cortes of 1820, to enable him to hold certain employments. In this act, however, he reserves and protests against his being made at any time to bear arms against the King of Great Britain.

Now it is universally known, that by the decree of the 5th of June, 1824, all innovations, decrees and laws of that period were not only annulled, but that it was even made criminal to quote them, as appears by article 1st, of which I annex a copy.

An act of naturalisation to be valid in Portugal, must therefore be performed according to the laws previous or subsequent to those times, and with having done this, Mr. Serjeant is not even charged. Thus he is before the law of Portugal, what he was previous to the act—a British subject.

As he has not renounced his allegiance to his lawful Sovereign. I am under the necessity of confirming my former correspondence on this subject, and of repeating without further delay, as there can be no alternative in the case, that all I have required for this said Serjeant is a fair trial according to the laws of Portugal, and that the charges laid against him may be investigated before the British Judge Conservator in conformity with our Treaties, begging leave to remark that since my request to that effect, instead of being sent to Oporto, he was on the 4th of July, lodged in the jail of Vizen, on his way to Almeida, the prisons of which place he expected to reach on the 9th instant.

I have, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed)

J. R. MATTHEWS.

Enclosure 2 in No 74.

Viscount de Santarem to J. R. Matthews, Esq. (Translation.)

Sir,

Lisbon, July 4, 1829.

I transmit to you a copy of an account of the President of the Alcada of Oporto, in date of the 14th instant, by which it appears that the said Magistrate ordered the process of John William Serjeant to be placed at the disposition of the British Judge Conservator, in consequence of the Carta de Privilegios, which has been ultimately presented to him, thus deciding competently any doubt that might arise about his naturalization in the presence of the legal formalities, which were not comprehended, as you erroneously

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thought in the letter of the law of the 5th June, 1824, upon the analysis of which I do not desire to enter into discussion with you.

I am, &c.

J. R. Matthews, Esq. (Signed) VISCOUNT DE SANTAREM.
&c. &c. &c.

Sub-Enclosure in No. 74.

Report from the Alcada of Oporto to the Minister of Justice at Lisbon.—(Translation.)

Oporto, July 14, 1829.

Having on the 23d of June last, reported upon a petition of John William Serjeant, found to be impleaded in the juridical inquiry of rebellion, taken in the city of Aveiro, and in the town of Figueira, and a prisoner in the jail of Coimbra, that it appeared to me he should not be considered a British subject, so as to enjoy the privileges conceded by Treaties to English merchants; and another petition of the said Serjeant being yesterday presented to me, with a charter of compilation of the privileges of the said nation, granted to him by the Dezembargador Conservator of the British in this Court, on the 29th of May last, and by the Chancellor on the 4th of June following, I, upon sight of these, decided, ordering his process, together with the charges exhibited against him, to be transferred to the Court of the British Judge Conservator in this city, as he requested, it appearing to me, that, notwithstanding my report, the said transfer cannot be delayed, in presence of the charter of compilation of privileges passed to the said Serjeant, because he is proved to be a British subject, and is therein declared to be such.

God preserve your Excellency

(Signed) VICTORINO JOZE CERVEIRA BOTELHO DO
AMARAL,

To the Minister of Justice.
&c. &c. &c.

President of the Alcada.

Enclosure 3 in No. 74.

J. R. Matthews, Esq. to Viscount Santarem.

Sir,

Lisbon, 25th July, 1829.

I have the honour to acknowledge the receipt of your Excellency's note in date of yesterday, enclosing the report of the President of the Alcada of Oporto, of the 14th instant; that he had already sent the proceedings of the trial of John William Serjeant to the British Judge Conservator, while difficulties were being made at Lisbon, to grant that act of justice.

This certainly leaves no doubt upon the nature of the legal formalities of the said act of naturalisation, of which your Excellency shewed me on the 17th instant, a copy enclosed in a communication from the Minister of Justice, and quoted in your note of the 18th, as a ground of objection.

This act being performed in virtue of the Decrees of the Cortes of 1820, and not in conformity with any other legislation, your Excellency will be pleased to remark that I am not mistaken in

taking the liberty to assert that it is removed by the repealing law, which is sufficiently explicit not to require that discussion which your Excellency states you will not condescend to enter into with me.

I have the honour, &c.

Viscount de Santarem, (Signed) J. R. MATTHEWS.
 &c. &c. &c.

No. 75.

J. R. Matthews, Esq. to John Backhouse, Esq.—(Rec. 17th Oct.)

Sir, *Lisbon, 1st October, 1829.*

Begging leave to refer to my despatch of July 25, I have the honour to enclose herewith a copy of a note I have this day addressed to Viscount de Santarem, in consequence of a letter I received, in date of the 28th ultimo, from Mr. John Joseph Fragoas, acquainting me that he is still confined under ground at the Tower of St. Julian, without being allowed to see any one; renewing my application for that justice for which I have been suing for months past, and which his Excellency assured me so long ago as the 20th of August last, was determined to be granted, and that his trial was referred accordingly to the British Judge Conservator.

I have the honour to be, &c.

J. Backhouse, Esq. (Signed) J. R. MATTHEWS.
 &c. &c. &c.

Enclosure in No. 75.

J. R. Matthews, Esq. to Viscount de Santarem.

Sir, *Lisbon, 1st October, 1829.*

On the 10th of September ultimo, I had the honour to address your Excellency, as follows:

“It was on the 20th August, ult. that your Excellency did me the honour to acquaint me that the necessary order had been sent to the Regidor da Caza de Supplicação, to transmit to the British Judge Conservator, the trial of John Joseph Fragoas; but I have in vain tried all the channels to discover why that order has not yet been obeyed, and why another month’s imprisonment should be wilfully inflicted upon an individual, proved to be a British subject by the certificates I have already transmitted, and who, though born of Portuguese parents, cannot, by the laws of this country, be a Portuguese, as his father and mother left Portugal for Gibraltar without that licence by which alone their rights, as such, could be claimed.

“I therefore most earnestly renew my request, that all further delay to act in conformity with our Treaties, be removed, and that Mr. Fragoa’s trial be sent to the British Judge Conservator.”

I have moreover this day received a letter from Mr. Fragoas, in date of the 28th ult., acquainting me that he is still confined under ground, at the tower of St. Julian, without being allowed to see any one; and he again appeals to me for that justice for which I have been suing for months past, and which your Excellency informed me

so long ago as the 20th of August last, was determined to be granted, and that his trial was referred to the British Judge Conservator.

It was therefore with deep regret, that in the last communication I have now the honour to make to your Excellency, I have to appeal so those motives it has been so often my duty, unfortunately, to bring forward, to obtain the execution of our Treaties, and to have here to renew my application for the fulfilment of what had so formally been promised to me.

I have the honour to be, &c.

Viscount de Santarem.

(Signed)

J. R. MATTHEWS.

&c. &c. &c.

CORRESPONDENCE WITH C. A. MACKENZIE, ESQ.—1829, 1830.

LIST OF PAPERS.

	Page
No. 1. The Earl of Aberdeen... to C.A.Mackenzie, Esq. Foreign Office, 28 August, 1829	1
No. 2. Lord Dunglas..... to C.A.Mackenzie, Esq. Foreign Office, 18 November, —	1
No. 3. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 20 November, —	2
No. 4. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 5 December, —	2
No. 5. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 12 December, —	2
No. 6. C. A. Mackenzie, Esq. to The Earl of AberdeenLisbon, 12 June, 1830	5
No. 7. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 26 June, —	5
No. 8. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 10 July, —	6
No. 9. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 24 July, —	7
No. 10. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 31 July, —	8
No. 11. The Earl of Aberdeen... to C.A.Mackenzie, Esq. Foreign Office, 3 August, —	9
No. 12. Lord Dunglas to C.A.Mackenzie, Esq. Foreign Office, 4 August, —	18
No. 13. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 7 August, —	19
No. 14. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 11 August, —	21
No. 15. Lord Dunglas to C.A.Mackenzie, Esq. Foreign Office, 18 August, —	29
No. 16. C. A. Mackenzie, Esq. to The Earl of AberdeenLisbon, 19 August, —	30
No. 17. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 25 August, —	33
No. 18. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 26 August, —	35
No. 19. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 28 August, —	36
No. 20. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 4 September, —	38
No. 21. John Backhouse, Esq.... to C.A.Mackenzie, Esq. Foreign Office, 8 September, —	39
No. 22. C. A. Mackenzie, Esq. to John Backhouse, Esq.Lisbon, 11 September, —	39
No. 23. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 18 September, —	40
No. 24. John Backhouse, Esq.... to C.A.Mackenzie, Esq. Foreign Office, 22 September, —	40
No. 25. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 25 September, —	41
No. 26. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 8 October, —	41
No. 27. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 8 October, —	44
No. 28. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 23 October, —	44
No. 29. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 30 October, —	46
No. 30. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 20 November, —	48
No. 31. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 25 November, —	48
No. 32. C. A. Mackenzie, Esq. to Lord Dunglas.....Lisbon, 1 December, —	48
No. 33. Sir George Shee to C.A.Mackenzie, Esq. Foreign Office, 7 December, —	49
No. 34. C. A. Mackenzie, Esq. to John Backhouse, Esq.Lisbon, 11 December, —	53
No. 35. C. A. Mackenzie, Esq. to Viscount Palmerston.....Lisbon, 11 December, —	53
No. 36. C. A. Mackenzie, Esq. to Sir George Shee.....Lisbon, 23 December, —	55
No. 37. J. Meagher, Esq..... to Sir George Shee.....Lisbon, 31 December, —	54

CORRESPONDENCE

WITH

C. A. MACKENZIE, Esq.

1829. — 1830.

No. 1.

The Earl of Aberdeen to C. A. Mackenzie, Esq.

(Extract.)

Foreign Office, 28th August, 1829.

HIS Majesty's Government have had reason to complain of the tardy and reluctant attention which, in several instances, has been paid to the representations of His Majesty's Consul-General. They feel that the honour and dignity of His Majesty's Crown would be compromised by the want of that full and efficient protection which His Majesty's Subjects are entitled to expect in Foreign States; and they are determined to afford such protection, to the utmost extent which may be authorized by the Law of Nations, or by the special provisions of any Treaty. Some forbearance may possibly have been shewn by His Majesty's Government, in consideration of the disturbed state of the Country, and the weakness of the existing Authorities; but whatever may be the disposition of His Majesty's Government to act with forbearance towards that of Portugal, His Majesty cannot permit the persons or property of His Subjects to be insulted or injured with impunity.

I am, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

(Signed)

ABERDEEN.

No. 2.

Lord Dunglas to C. A. Mackenzie, Esq.

(Extract.)

Foreign Office, 18th November, 1829.

HIS Lordship has desired me to refer you to the Despatch of 7th May to Mr. Matthews, in which was conveyed the opinion of His Majesty's Government, founded upon that of the Law Officers of the Crown, that the attempt to levy a duty of 30 per cent. upon goods imported in Foreign Ships, is not justified by the Treaty of 1810, but that it is contrary to its spirit and meaning, as understood and hitherto acted upon by the Government of Portugal.

It does not appear that there is any thing in the Treaty, from which it is to be inferred that the very general terms of the XVth Article (by which the goods and manufactures of Great Britain are admitted into the Ports of Portugal on the payment of 15 per cent.) were meant to be restricted and limited in

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their application to such goods only as shall be imported in English Vessels. And it is clear that the practice which has prevailed until April last, when the Portuguese Government, for the first time, imposed a duty of 30 per cent. on British Goods imported in Foreign bottoms, tends to confirm the view thus taken by His Majesty's Government.

You will therefore in the event of M. de Santarem's answer being unfavorable, again represent to his Excellency that His Majesty's Government cannot acquiesce in the continuance of a charge, which they conceive to be at variance with the spirit of the existing Treaties.

C. A. Mackenzie, Esq.
&c. &c. &c.

(Signed) DUNGLAS.

No. 3.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received Dec. 3.)

(Extract.)

Lisbon, 20th November, 1829.

VISCOUNT Santarem has just written to me begging that my visit of to day may be deferred till to-morrow evening, when I shall not fail to urge the fulfilment of all his previous promises, and state my determination to bring the subject of my complaints of the negligence shown here by such repeated evasions, if they are not remedied, before Lord Aberdeen next week,—their practice here of vain promises is as absurd as their Banking system, in support of which a Capital is advanced, and afterwards withdrawn.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 4.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received Dec. 20.)

(Extract.)

Lisbon, Saturday, 5th December, 1829.

I RENEW (but in vain) my entreaties to bring the unfortunate cases of Mrs. Story and Fragoas to trial; Viscount Santarem has seconded me, as far as is in his power, but hitherto without success.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 5.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received Dec. 24.)

My Lord,

Lisbon, 12th December, 1829.

I REGRET to communicate to your Lordship, that the Statements sent to Viscount Santarem, respecting the commencement of the trials of the two British Subjects, Mrs. Story and John Joseph Fragoas, reported by me in October, were only made for the purpose of deceiving his Excellency, as I found out that our Judge Conservator was denied all access to the parties, and that the Minister of Justice, or some of his minions, were determined to

resist every attempt for their release. Having procured every requisite proof that the reports sent to me were correct, I wrote a Note to Viscount Santarem, and to prove to his Excellency the interest I took in the subject, I waited on him at his hotel on Wednesday, and claimed his particular attention to repair the gross injustice committed, by the shuffling and cruel agents of the Department of Justice. He fully admitted my right to make the representation, and to claim his assistance, promising to despatch a messenger instantly to the Duke of Cadaval, and likewise to state the case before his Colleagues at their meeting on Thursday.

I had the satisfaction of seeing his Excellency yesterday, and learning that orders had been given, immediately to have the two individuals sent to the Prison of St. George, and to be there solely under the orders of the British Judge Conservator.

I have the honour of transmitting to your Lordship a Copy of my Note, and hope that a Copy of the order given for the transfer of the prisoners will be sent to me to day, as promised, to accompany this statement.

There is no singularity in the state of this Country, so striking and lamentable to an observer, as the mal-administration of Justice,—the unhappy extent to which party zeal and passion have been permitted or encouraged for the persecution of rich and poor, exceeds all belief,—no man appears more sensibly alive to the horrors accompanying this state of things than Viscount Santarem; he assures me that he has very often risked holding his situation by the force of his representations;—by his statement, the evil is abating, but he admits that there are now 4,700 persons in prison, exclusive of the enormous number called “Pronunciados,” or Individuals with acknowledged informations hanging over them. I have had some curious details given to me, on the number of these persecuted Portuguese, but not being able to give the statement as correct, I defer entering into the subject at present.

I have the honour to be, &c.

Lord Douglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

P. S. Saturday afternoon.—I have just received Viscount Santarem’s Note, informing me of the orders having been given, for the immediate removal of the prisoners, to the Castle of St. George, and I have the honour of enclosing a Copy and Translation of the said Note.

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Enclosure 1 in No. 5.

C. A. Mackenzie, Esq. to Viscount Santarem.

Sir,

Lisbon, 9th December, 1829.

THE Undersigned has the honour to acquaint his Excellency, Viscount Santarem, Secretary of State for Foreign Affairs, that the two British Subjects, Mrs. Benta Adelaide Story, and John Joseph Fragoas, so long detained in rigorous confinement, by order of the Government, have again found means to inform the Undersigned, that all his representations in their favour, and all the promises made to him respecting their removal into the prison of the British Judge Conservator’s Court, have been unfounded and neglected.

The Undersigned can no longer hesitate to protest most formally, in the name of His Government, against such a violation of promises made to him, and such a protracted, if not intentional refusal of the Privileges secured by Treaty, and which are justly valued, beyond any other advantage in this Country, by British Subjects.

The period of three months has been allowed to expire, since Mrs. Story was put into prison. Mr. Mathews applied frequently for her removal, as a British Subject, to the proper place for her trial. His representations were treated with neglect. The Undersigned has likewise performed his duty, by renewed demands for her privileges, and on the 30th October the Undersigned was informed by the perusal of a paper, that the trial had commenced, which circumstance the Undersigned communicated to Lord Aberdeen. It now appears, to the mortification of the Undersigned, that the unfortunate woman is still confined in the Prison at Torres Vedras, and instead of being removed, she is, at this moment, as ignorant of the charges against her, as at the period of her arrest.

John Joseph Fragoas's case is almost similar in respect to his remaining unnoticed, after such repeated applications in his favour, and in the same useless communication of his trial having been stated as commenced, without the requisite removal to the proper prison having taken place.

The steps taken by the British Government in the case of Marcos Ascoli, and the statement made in the Newspaper here of the 6th of December, 1828, cannot and must not be forgotten,—the neglect and indifference shewn in the present cases, are less excusable, as the political circumstances of the Government, were more embarrassing in the former period.

The Undersigned will, by the next Packet, submit a full statement of these unpleasant relations to his Government, if he does not receive before Saturday morning, a proof that the Functionaries concerned in these cases, in the Department of Justice, have been called upon, and obliged to execute the requisite orders for the immediate removal of Mrs. Story, and John Joseph Fragoas, to the prison of the Court of the British Judge Conservator.

The Undersigned begs to offer, &c.

His Excellency Viscount Santarem.
&c. &c. &c.

(Signed) C. A. MACKENZIE.

Enclosure 2 in No. 5.

Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)

*Secretary of State's Office for Foreign Affairs,
December 12, 1829.*

VISCOUNT SANTAREM has the honour to present his compliments to Mr. Mackenzie, and to acquaint him, that orders were yesterday issued, by the Minister of Justice to the Intendant General of Police, for the immediate removal of Benta Adelaide Story, and John Joseph Fragoas, British subjects, from the prisons in which they are confined, to those of the Castle of St. George, in this capital, at the disposition of the Judge Conservator of the British nation.

Viscount de Santarem avails, &c.

(Signed) VISCOUNT DE SANTAREM.

C. A. Mackenzie, Esq.
&c. &c. &c.

No. 6.

C. A. Mackenzie, Esq. to the Earl of Aberdeen.—(Received June 26.)

(Extract.)

Lisbon, 12th June, 1830.

I REGRET to inform your Lordship that this feeble Government is more occupied in directing arrests and punishments for the distribution of the Papers from Terceira, than in any thing else. Viscount Santarem complained that some Englishmen were accused of assisting the discontented Party, and said that he would send to me a paper on the subject next week. I asked if there were no means of rousing his Government to act with more spirit and dignity for the general welfare.

I have the honour to be, &c.

The Earl of Aberdeen, K. T.
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 7.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received July 5.)

(Extract.)

Lisbon, 26th June, 1830.

I REGRET very much to inform your Lordship that on Tuesday arrived here the English Schooner named the *Ninus*, taken as a Prize by a Portuguese Brig of War, near Terceira. The English Crew were on board, and the Captain delivered to me a Letter from Mr. Read, stating that the Judge of St. Michael's had declared in Court that the Portuguese Officer was in error in taking the *Ninus*. Finding by the Captain's Protest he was conveying a Cargo of Salt from Figueira to Newfoundland, and that the variable winds had led him near Terceira, as well as that, by his Ship Books, he shewed that his former voyage was in a similar track, I wrote a Letter to Viscount Santarem stating these circumstances, and requiring of His Excellency that proper precautions should be taken to examine immediately into the merits of the case, as the Portuguese Officer and Ship were responsible for the injury, delay, and expences attending the arrest of the *Ninus*. I wrote to Mr. Read the same day to send to me as speedily as possible, a certified Copy of the Sentence pronounced by the Judge of St. Michael's on this case. Yesterday I saw Viscount Santarem, and had the satisfaction of learning that the Duke de Cadaval, as Minister of Marine, had received a full statement of the above facts, and I hope no time will be lost in ordering the release of the *Ninus*, and the payment of the attendant charges.

Viscount Santarem sent to me during the week, two Notes with Enclosures ; one respecting the difficult suit of Mr. Archbold, which requires the production of some Document from one of the Courts here, to enable me to send a satisfactory answer ; the other related to the misconduct of some Englishmen in Figueira, but as far back as September last. I had occasion to send Mr. Meagher to the Intendant of Police for a Passport for the unlucky Mr. Fragoas, who though released from prison was refused permission to return to his village and family ; having settled this point, he learned, from the Intendant, that the enquiries made into the detail of what occurred in September at Figueira, would not be followed up with any vengeance. Three Englishmen were in the enormous list of the pronunciados, but he expected that no harsh measures would follow. In consequence of this communication I have not answered Viscount

Santarem's Note except by telling His Excellency yesterday, that it was high time to consign to oblivion the trifling cases which remained of last September, that *his* Intendant of Police has given satisfactory promises on the subject, and that I hoped His Excellency would have more interesting matter for our discussions.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 8.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received August 3.)

My Lord,

Lisbon, 10th July, 1830.

THE Master of the Schooner, the *Ninus*, having sent to me a Copy of the Judgment of The Portuguese Court, at St. Michael's, declaring the Vessel not to be a good prize, I take the liberty of enclosing a Copy to your Lordship, and I communicated the original to Viscount de Santarem yesterday, and was assured by his Excellency that a Special Court was sitting for the purpose of investigating the details of this transaction.

I lament to inform your Lordship that accounts have been received here of two additional English Vessels having been taken by the blockading Squadron off Terceira. I mentioned the report to Viscount de Santarem, but must wait for more authentic information before I can take any measures about them.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

Enclosure in No. 8.—(Translation.)

Copy of the Judgment of the Portuguese Court at St. Michael's, in the Case of the Schooner Ninus.

Ponte Delgada, 29th May, 1830.

EXAMINING the proceedings in the process of the British Schooner called the *Ninus*, William Gibbs, Master, captured by the Commander of the Brig, 22d February, on the 16th of the present month of May, it is shewn by them that said Schooner sailed from Figueira with a Passport and Clearances for Newfoundland, with a cargo of 62 Moyos of Salt, as is stated in the Bill of Lading, page 11. And though she was met in the seas of the Azores, at the distance of 11 miles from Terceira, as it appears by the report of the Captor, page 3d., nevertheless from the interrogatories put to the Master it is seen he had made the south of said Island, in order to pass afterwards between those of St. George and Gracioza in prosecution of his voyage, he declaring that his intention was not that of going into the said Island of Terceira, a declaration which is not sufficiently refuted by the Soldiers and Sailors of the Crew as per examination, page 16; and in truth there not appearing any intention of a breach of blockade, which is indispensable to constitute her a good prize (the proof of the distance from the land not being a sufficient one), under these circumstances, and for want of other proofs, I do not judge the said Schooner *Ninus* a good prize; but, in conformity to the Law, I appeal to the High Court of the Admiralty, and order this decision to be published in my office.

(Signed) JOAO SOARES DE SOUZA CANTO ALBUQUERQUE.
JOAO RODRIGUEZ PAIVA, *Assessor.*

No. 9.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received August 6.)

My Lord,

Lisbon, 24th July, 1830.

THE Government here have taken the hardy step of sending the case of the Schooner *Ninus* into the Admiralty Court for trial, without offering one single reason for the justification of such a cruel measure, in opposition to the Sentence given by the Judge at St. Michael's, and to the lively feelings of regret expressed by Viscount de Santarem and the Duke de Cadaval. I have the honour to enclose a Copy and Translation of the notice sent to me of the above measure; the Captain and Crew of the *Ninus* are thrown adrift, and her cargo of Salt entirely ruined. I lament to witness such severe measures; any further remonstrances on my part would be out of rule, and entirely fruitless.

I regret likewise to communicate to your Lordship that the day before yesterday, six Maltese Money-changers were violently arrested by a Municipal Magistrate, for having their small shops open on a *Parish* feast day. I immediately applied at the Head Police, and to Viscount de Santarem for their liberation, which was effected the same evening; but the six individuals were obliged to pay a fine of ten milreis each, besides five moidores as jail fees.

I am to see the parties to day and to enquire into the legality and foundation of these exactions, which appear enormous, as the neighbouring shop-keepers were not similarly treated.

The above recital is sufficient to make my Letter unwelcome, but I have the distressing news to add of five British Vessels having been lately taken off Terceira, as your Lordship will perceive by the accompanying notice from the Vice-Consul at Belem; such continued injuries to our Commerce must prove highly distressing to His Majesty's Government, and I have unfortunately had to report more captures of British Vessels during my stay at Lisbon than I had to do when employed on the French Coast for an equal time during the late war. Viscount Santarem declined seeing me yesterday, and I must wait, with anxiety, till these Vessels arrive here, to enable me to point out to his Excellency that such results from the blockade of Terceira will claim the most serious attention and investigation on the part of my Government.

I have the honour, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

Enclosure 1 in No. 9.

The Viscount de Santarem to C. A. Mackenzie, Esq.

*Secretary of State's Office for Foreign Affairs,
20th July, 1830.*

IN addition to what Viscount Santarem stated to Mr. C. A. Mackenzie on the 6th instant, respecting the Ship *Ninus*, he has the honour to inform him that the Minister of Marine has answered Viscount Santarem on the 16th, that that Ship must be adjudged in a Court of Justice, according to the form of the respective Law, and the Law of Nations, and to be afterwards disposed of as the Sentence may direct.

Viscount de Santarem, renews, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

*Enclosure 2 in No. 9.**Notice from the Vice-Consul at Belem.*

THE *Diana* Portuguese Frigate would sail from St. Machael's for Lisbon, on the 12th July, with five British Vessels prizes to the Portuguese Ships of War off Terceira.

No. 10.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received August 13.)

(Extract.)

Lisbon, 31st July, 1830.

I YESTERDAY waited on Viscount Santarem, and found his Excellency very much disposed to regret and apologize for the ugly circumstances it was my duty to report to your Lordship last week.

The Intendant of Police has been directed to furnish me with a report of the conduct of the inferior Magistrate who ordered the arrest of the six Maltese; this petty tyrant has, I am informed, almost unlimited authority in his district, and is named the little Miguel. As he treated the Maltese so harshly, and without reference to the Superior Magistrates, he is called on to repay the whole of the fine imposed on his prisoners. Viscount de Santarem expects that the business will be settled to day.

The charges against the four English Subjects at Figueira proceed slowly, but I am promised the most satisfactory result.

Mr. Crispin wrote to me some posts ago when I communicated to him the substance of the orders given here respecting the limited number of Portuguese Officers to be placed on board the British Vessels, that he was much annoyed by the Custom-House and Contractors sending any number they pleased, and that our Judge Conservator there shewed great indifference when complaints were submitted to him. I requested Mr. Crispin to address himself to the Authorities by Letter on the subject, and if not successful, to despatch Copies of their answers to me. I yesterday shewed these papers to Viscount Santarem, having previously requested of his Excellency that Copies of the orders issued here by the Minister of Finance might be forwarded to the corresponding offices at Oporto. His Excellency assured me that every one of his Colleagues were determined to support the British Privileges in every part of the Kingdom: that orders had been sent to this effect to Oporto, and his Excellency agreed with me that as the British Judge Conservator was likewise the Agent and Judge of the Contractors at Oporto, which accounts for his partiality and indifference to our complaints, that it would be advisable to dismiss the said Judge, and call on the Merchants to elect another person. I have written to Mr. Crispin to this effect, in order that a previous warning may be given to this personage, but I shall not proceed any further respecting him until your Lordship authorises me to do so.

The Vessels stated to have sailed from St. Michael's have not yet arrived here. Viscount Santarem professes to feel the greatest indignation at the conduct of the Officers off Terceira, and assures me that he has given his sentiments without reserve to his Colleagues on the expected calls for indemnity from the British, Spanish, and American Governments.

I have the honour, &c.

Lord Dunglas,
 &c. &c. &c.

(Signed)

C. A. MACKENZIE,

No. 11.

The Earl of Aberdeen to C. A. Mackenzie, Esq.

Sir,

Foreign Office, 3d August, 1830.

I ENCLOSE for your information various Documents connected with the detention and capture of four British Vessels by the Portuguese Blockading Squadron, off Terceira. The capture of these Vessels appears to be in the highest degree irregular and unjustifiable, and therefore demands the prompt interference of His Majesty's Government.

The operations of the Portuguese Naval Force have been carried on in such a manner as scarcely to constitute an efficient Blockade. It is notorious that many Vessels from London have reached Terceira, delivered their cargoes, and returned in safety. So little apprehension has been excited by the vigilance of the Portuguese Cruizers that the same Vessels have successfully repeated their enterprize.

Nevertheless the Blockade has been respected by His Majesty's Government, and when Captures have been made the Sentence of Condemnation by the competent Tribunals has been acquiesced in, whenever an intended violation of the Blockade could fairly be presumed. Some disposition to abuse the spirit of equity and forbearance displayed by the British Government has been observable on more than one occasion; but for the Capture of the Vessels to which I have now referred, there appears to have been no plausible pretext whatever. It can only be accounted for by the entire ignorance of his duty on the part of the Officer commanding; or it must be considered as a wanton violation of the rights of Neutrals, and a gross insult offered to the Government of Great Britain. From whatever cause the outrage may have arisen, it is quite incompatible with the honour and dignity of His Majesty, that it should be tolerated.

In the event of the Vessels in question, having arrived at Lisbon for final adjudication, which may probably be the case, you will carefully enquire into the particulars attending the Capture of each, her real character and destination, and unless any new circumstances should come to your knowledge which may lead you to doubt the propriety of the resolution with respect to all of them, you will demand from M. de Santarem their immediate restitution, as well as compensation for the losses and injury which they may have sustained. You will further demand the dismissal of the Officer commanding the Portuguese Frigate *Diana*, as a just punishment for his cruel and unmanly treatment of the Individuals on board the *St. Helena* Packet; and the audacity with which he has thought proper to regard Officers and invalided Seamen in His Majesty's Service, as Pirates.

Unless you should receive an official assurance from M. de Santarem in the course of three days, that these demands will be complied with by the Portuguese Government, you will send back the Frigate by which this Despatch will be conveyed to Lisbon, and you will inform His Majesty's Government of the result. You will make known to M. de Santarem that the immediate consequence of the refusal of the Portuguese Government to do justice to these representations, must be that an adequate force should be directed to the Azores, there to obtain redress for injuries already committed, and effectually to prevent their recurrence.

C. A. Mackenzie, Esq.
&c. &c. &c.

(Signed)

ABERDEEN.

Enclosure 1 in No. 11.

Mr. Consul-General Read to John Backhouse, Esq.—(Received July 31.)

Consul-Generals' Office for the Azores,
St. Michael's, 7th July, 1830.

Sir,

SINCE my last Despatch of the 18th ultimo, reporting the case of the Schooner *Ninus*, and other Vessels captured by the Blockading Squadron off Terceira, I have to acquaint you for the information of His Majesty's Secretary of State, of the illegal Capture of two other British Vessels now under arrest in this Port.

The Brig *Amelia*, Peter Whitty, Master, from Sierra Leone, bound to Guernsey with a cargo of Teak Timber, was brought in here on the 22d ultimo, although the Master was steering his direct course for England, and was not less than 15 miles distant from Terceira when captured; the whole of the Crew excepting the Master and one Seaman, are detained on board the *Diana* off Terceira; the Vessel is now leaky at this Port, and I fear will prove a total loss.

The next day the 23d ultimo, arrived the Brig *Velocity*, Samuel Brooks, Master, from Lima and Valparaiso, bound to London with a valuable Cargo of seal skins, hides, cotton, peruvian bark, specie in dollars, gold dust, doubloons, bars of gold and silver, all consigned to respectable mercantile houses in London. The Master having been absent 20 months from England, knew nothing of the Blockade, and was captured when steering due east distant 14 to 15 miles to the southward of Terceira: the mail bags from South America are on board, and contain no doubt valuable remittances by bills from the respective Shippers; yet notwithstanding the nature of the Cargo, and the bills of lading and other Documents clearly prove the Vessel's destination, she has been detained on suspicion of being destined for Terceira, and will be sent on to Lisbon in a few days.

I have made every effort to arrest this valuable Cargo from the grasp of the Captors, and the Judge appointed to decide in the Tribunal of "Primeira Instancia" has given a sentence that the Vessel is unjustly detained; that she obeyed promptly the orders of the Frigate to bring to, when fired at, and that the Cargo is evidently destined for London, and not for the Island Terceira; yet notwithstanding this opinion of the Judge an appeal is lodged to the Admiralty Court of Lisbon, and the Vessel and Cargo must go there to undergo a second trial; and if even the Admiralty Court should confirm the Sentence of the Judge here and order the Vessel to be liberated, great loss will occur on the hides and seal skins, which will perish from the long delay on board, independent of the disappointment to the Merchants who will be kept out of the receipt of their specie and other property, for such a period of time as it will take to decide the case.

I most respectfully beg leave to suggest the propriety of having two English Cruizers stationed, one off the west end of St. Michaels, the other to cruize off Fayal and St. George's, to warn all English Vessels passing, not to approach within 50 miles of the Island Terceira, which will prevent our trade from being obstructed in this manner while the Blockade lasts.

I have the honour to be. &c.

John Backhouse, Esq.
&c. &c. &c.

(Signed) W. HARDING READ, Consul-General.

Enclosure 2 in No. 11.

Mr. Consul-General Harding Read to John Backhouse, Esq.—(Received July 31.)

Consul-Generals' Office for the Azores,
St. Michael's, 9th July, 1830.

Sir,

IN my Despatch of the 7th inst. I narrated the illegal capture of the British Vessels therein referred to, and my apprehensions of further insults to our Flag have been confirmed.

Yesterday the *Diana* Frigate returned from the Blockade for water and provisions, bringing with her the Honourable East India Company's Packet the *St. Helena*, under arrest. Lieutenant Warren, the Acting Commander, was a Prisoner on board the *Diana*, and not being allowed to see him, I wrote him a Letter on His Majesty's Service, offering him my assistance; but the Letter was refused by the Commanding Officer on board the *Diana*, and sent back to me unopened, with an insulting message. Being thus deprived of intercourse with my Countrymen, contrary to established Treaties, I waited on His Excellency the Captain-General, and obtained an order to be admitted on board the *Diana* to see Lieutenant Warren, and permission to bring the invalid Officers on shore from the *St. Helena*. Lieutenant Warren informs me, that he was put in Acting Commander of the *St. Helena* at Sierra Leone, in consequence of the murder of her former Commander, Lieutenant Harrison, and the major part of her Crew, by a Pirate, on the coast of Africa; and was ordered by the Captain of His Majesty's Ship *Athol* to take the Packet home to England, and deliver her up to the Honourable the East India Company, receiving on board a number of Officers invalided, and some Seamen, late belonging to the Men-of-War of the Squadron on that Station.

On his voyage home, passing between these Islands, he met with the *Diana* Frigate, who fired at them, brought them to, treating them with every indignity, calling them Pirates, taking from the Officers their swords and pistols, and putting them all under arrest, on suspicion that they were bound to Terceira, which, Lieutenant Warren solemnly declares, he had not the smallest intention of going to: the sick Seamen were sent on board the Frigate, from under care of Mr. Neill, late Surgeon of the *Primrose*, and are still detained there under a scanty allowance of provisions, for the allowance given to the Crews of Portuguese Men-of-War, bears no comparison to that given in the English Navy. I have requested that all the British Subjects imprisoned on board the *Diana* may be given up to me, or else allowed to return to their respective Ships, to assist in navigating them to Lisbon, whither they are all to be sent under convoy of the Frigate. I have also demanded all the Letters on His Majesty's Service, sent from Sierra Leone, in order to forward them by the Ship *Eddystone*, bound to England, which Vessel I have detained 24 hours, expressly to take home these Despatches.

I perceive by the countenance of the Captain-General, that he is sensible the Commodore has brought himself into a serious dilemma by capturing all these Vessels so unjustly, but they will attempt to cover their arbitrary proceedings under plea of the orders they have from Dom Miguel, to enforce a rigorous Blockade. I must, however, observe, as an old and experienced Officer in Blockades—of Toulon, Brest, Cadiz, Havre de Grace, and other ports, that I never saw the rights of Blockade extended in the manner, nor exercised with such rigour as is done by the petty Squadron off Terceira; and I am persuaded that my Lord Aberdeen will do me the justice, that I am influenced by no party motive; and in reporting the cases that have come under my cognizance, I have restrained the impulse of my feelings as an Englishman, and have rather palliated than exaggerated the conduct of the Portuguese towards British Subjects and property: I really believe that the Officers of the Blockade would act more moderately if they were allowed, but there appears to be a want of sound discretion in their orders from Lisbon, and the rights of Foreign Nations are trampled on, in consequence of their gross ignorance.

I have the honour to be, &c.

John Backhouse, Esq.
&c. &c. &c.

(Signed)

W. HARDING READ.

P. S. 10th July. The *Margaret*, of Liverpool, from Rio Janeiro, bound to Hamburg with sugar and hides, is just anchored, captured by the Portuguese Brig of War, 22nd February, distant 16 miles from Terceira, when passing by the Island, steering her direct course for the channel.

*Enclosure 3 in No. 11:**John Barrow, Esq. to Lord Dunglas—(Received August 1.)*

My Lord,

Admiralty Office, 31st July, 1830.

I AM commanded by my Lords Commissioners of the Admiralty to request you will lay before the Earl of Aberdeen the accompanying Letter and its Enclosure, from the Master of Lloyd's Coffee House, respecting the detention of four British Vessels by the Portuguese Squadron blockading Terceira, and with reference to my Letter of this date, I am to request you will move the Earl of Aberdeen to take this whole case into his early consideration.

I am, &c.

Lord Dunglas,
&c. &c. &c.

(Signed)

J. BARROW.

*Sub-Enclosure in No. 11:**The Chairman of Lloyd's to the Earl of Aberdeen,*

My Lord,

Lloyd's, 31st July, 1830.

I AM requested by the Committee for managing the affairs of Lloyd's, to send to your Lordship the enclosed extract of intelligence received this day from St. Michael's, of the Capture of four British Vessels, by the Portuguese Squadron blockading Terceira. These Ships being homeward bound, and in the regular prosecution of their voyage, the Committee consider that there can be no just pretext for such proceedings on the part of the Portuguese Commodore, and as the Vessels and their Cargoes are insured here to a considerable amount, at the regular premium, for the Underwriters could not contemplate the risk of capture of homeward bound Ships by a Squadron blockading Terceira; the Committee are induced to hope that your Lordship will be pleased to make a representation to the Portuguese Government for their immediate release, and compensation for their detention; and also that measures may be taken to prevent such serious interruption to British Commerce in future.

I have the honour to be, &c.

Earl of Aberdeen, K. T.
&c. &c. &c.

(Signed)

W THOMPSON, *Chairman.**Sub-Enclosure B. in No. 11.*

THE *Velocity*, Brooks, from Lima, and Valparaiso to London, with a valuable Cargo, and a large quantity of Dollars, Gold Dust, and Silver in Bars, estimated together at near £100,000 was taken by the *Diana* Portuguese Frigate, five leagues to the Southward of Terceira, and carried into St. Michael's 23rd June:

The *Amelia*, Whitty, Master, from Sierra Leone to Guernsey, with a Cargo of Timber, was taken 21st June, fifteen miles from Terceira by the *Diana*, Frigate, and carried into St. Michael's:

The East India Company's Packet *St. Helena*, Lieutenant Warren, from St. Helena and Sierra Leone, to England, with invalided British Officers and Seamen, was sent into St. Michael's 9th July: and

The *Margaret*, of Liverpool, Watson, Master, from Rio Janeiro to Hambro, was taken sixteen miles from Terceira, by the Brig of War and carried into St. Michael's 10th July, and they were to sail immediately under convoy of the *Diana* Frigate to Lisbon for adjudication.

*Enclosure 4 in No. 11.**Messrs. Dowson to John Backhouse, Esq.—(Received July 31.)*

Sir,

London, 31st July, 1831.

ACCOMPANYING this I beg to hand you a Copy of a Letter received this day from Captain Brooks, of the *Velocity*, also of his protest, which explains the

very undue influence exercised by the Captain of the Portuguese Frigate, in capturing that Vessel and sending her to Lisbon.

The anxiety produced by this capture allows me to hope that you will immediately lay the circumstances before His Majesty's Government.

I am &c.

John Backhouse, Esq.

(Signed)

W. D. DOWSON.

&c. &c. &c.

P. S. The Passengers have arrived, and are desirous of affording every information.

Sub-Enclosure C. in No. 11.

Samuel Brooks to W. D. Dowson, Esq.

Sir,

St. Michael's, 8th July, 1830.

THE enclosed is a Copy of the Protest of the unfortunate business of the *Velocity*, which will point out to you the particulars of our situation.

Since our arrival here, all our Papers have been translated, and the Court declared there was no just cause for detention, but that we must proceed to Lisbon for adjudication for a pretended breach of Blockade; this I trust you will make as public as possible, it being as great an act of Piracy as can be committed on the high seas. There are four other Vessels in the same situation. Surely the Admiralty will not allow our Commerce and Flag to be thus insulted.

Their object is to obtain forcible possession of the Specie and other Cargo, hides, cotton, bark, and seal skins, which will be all spoiled, my Ship getting great injury, from the inattention of the Portuguese crew: they have already committed plunder, and God knows what will become of the Ship and Cargo.

My Crew are still prisoners on board the *Diana* Frigate, and I am to proceed to Lisbon in the Brig, with my servant only. The *Eddystone*, Captain Harrison, sails in a day or two, and my passengers, Mr. and Mrs. Shields, and Master Robins, go home in her. I beg your assistance on this occasion, and

Remain, &c.

W. D. Dowson, Esq.

(Signed)

SAMUEL BROOKS.

&c. &c. &c.

Sub-Enclosure D. in No. 11.

Consul-General's Office for the Azore Islands.

ON the date hereof before me, the Undersigned Consul-General of His Britannic Majesty for the Azore Islands, personally appeared, Mr. Samuel Brooks, Master; William Butler, Steward of the British Brig, called the *Velocity*, of 151 tons, register measurement, belonging to the Port of London, also Mr. John Shields, passenger on board the said Brig, whom being duly sworn on the Holy Evangelists, demanded to enter this, their solemn Protest, against the parties, hereinafter named, for the unlawful Capture, Seizure, and Detention of the said Brig *Velocity*, with her valuable Cargo, on her homeward-bound passage to London, as hereinafter more fully detailed and set forth, viz.:

These Appearants declare upon oath, that the said Brig *Velocity* received on board, part of her Cargo at Payta, in Peru, and the remaining part at the Port of Valparaiso, consisting of hides, seal skins, cotton, bark, dollars, bullion, gold dust, and other articles, all destined for the Port of London, as will more fully appear by the respective Bills of Lading, signed by the Master, one of these Appearants; and the said Brig *Velocity* being loaded as aforesaid, sailed from the Port of Valparaiso, on the 19th day of March last past, and nothing material occurred during the voyage homewards, until the 22d inst., when they made the Island of Pico, one of the Azores, and subsequently the Island of St. George; at this time the wind being W. N. W. the Vessel was steering E. N. E. with all sail set, top-mast, and lower studding-sails, when

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observing another Island a-head, they altered the Vessel's course to east, to steer clear of it, intending to pass the land then a-head, and afterwards to alter their course to E. N. E. and while thus proceeding on their lawful navigation on the high seas, they were fired at by a Portuguese Frigate, who obliged the Brig *Velocity* to haul in her studding-sails, and heave to, which they did, being at that time about fourteen or fifteen miles from the Island of Terceira, and the Master was ordered on board the said Frigate, when he was detained by the Commander, all his Papers taken from him, and an Officer with a detachment of Soldiers and Mariners sent on board the said Brig *Velocity*, and took forcible possession of her, and sent all the Brig's Crew on board the Frigate, excepting the Master and the Steward, leaving only Mr. John Shields and his wife with a young child named Robins, and Pedro, a Peruvian, his servant, also passengers; and the said Brig *Velocity* was ordered by the Commander of the Frigate, to proceed to this Island of St. Michael, under the pretext, that she was destined with her Cargo for the Island of Terceira, under Blockade by the Portuguese Frigate, which these Appearants have since learned was called the *Diana*; and in despite of all the protestations of these Appearants that the Vessel was, *bona fide*, bound to London, which the papers clearly prove, and that they had not the smallest intention of going to Terceira, and were merely passing by, at the distance above-stated, and had not a cable bent, nor any other indications for going there; that they knew nothing of any blockade of the Island, and were pursuing their course, across the Atlantic on their direct way to England: nothing has availed them: they were brought to St. Michael's, where they arrived on the evening of the 23d instant, and are still forcibly detained by the Portuguese, the Crew still absent on board the Frigate off Terceira; and these Appearants are informed that the Vessel will be sent to Lisbon for adjudication by the Admiralty Court for a pretended breach of Blockade: it being clear that the object of the Portuguese is to get forcible possession of the specie and other Cargo on board the Brig, without regard to the Law of Nations, thus violated, and which has been several times committed by the Portuguese Squadron, on other neutral Vessels taken by them, and now laying in this roadstead, viz. Spanish and American, seized under equally frivolous pretexts.

And because of the illegal detention of the said Brig *Velocity*, and of her Cargo, as herein set forth, these Appearants do hereby solemnly protest against the Commander of the said Portuguese Frigate, and all other parties acting under him, as well as against the Portuguese Government, for all loss, damage, detriment, embezzlement of the Cargo, and all other prejudice that may arise to the Cargo, from the Skins being heated, and spoiled by reason of the unjust detention of the Vessel, and for demurrage of the Ship at this Port, or wheresoever else she may be ordered, until finally liberated, in order that the same may be borne, and paid, and made good by those to whom of right it shall belong to pay, and make good the same, in time and place suitable, unto the owners of the Vessel and Cargo, and all other persons in any wise interested in the same.

Thus done and protested, these Appearants have hereunto set their hands with me, the Undersigned Consul-General at the City of Ponta del Gada, in the Island of St. Michael, this 24th day of June, 1830:

And unto the same I have affixed the Seal of this General Consulate.

(Signed) SAMUEL BROOKS.
WILLIAM BUTLER.
JOHN SHIELDS.

(Counter-signed) W. HARDING READ, *Consul-General*.

Consul General's Office for the Azore Islands.

I do hereby certify and attest that the foregoing is a true and faithful Copy of the original instrument of Protest made at this Office, which original remains in the Archives of this General Consulate.

Given under my hand and seal of this General-Consulate, at the City of Ponta del Gada, Island of St. Michael, this 25th day of June, 1830.

(Signed) W. HARDING READ, *Consul-General*.

Enclosure 5 in No. 11.

Chairman of the East India Company to the Earl of Aberdeen. (Received August 2.)

My Lord,

East India House, 2nd August, 1830.

IN the absence of the Chairman of the East India Company, I have the honour to forward for your Lordship's information, Copy of a Letter received this morning from the Consul-General for the Azores, dated at St. Michael's, the 9th Ultimo, together with Copy of a Letter, and of its Enclosures, from Lieutenant Warren, of His Majesty's Service, detailing the extraordinary proceedings connected with the Capture, off Terceira, of the Company's Schooner *St. Helena*, by the Portuguese Frigate *Diana*.

I have caused Copies of these Documents to be likewise transmitted for the information of the Lords Commissioners of the Admiralty.

I have the honour to be, &c.

The Earl of Aberdeen, K.T.
&c. &c. &c.

(Signed) ROBERT CAMPBELL.

Sub-Enclosure E. in No. 11.

Consul-General's Office for the Azore Islands,
St. Michael's, 9th July, 1830.

Honourable Gentlemen,

THE Portuguese Frigate *Diana* returned to this Island yesterday from the Blockade of Terceira, bringing with her a Schooner under jury masts, which I soon learnt to be the *St. Helena* Packet, belonging to your Honourable Company, detained under suspicion of being a Pirate. Not being allowed to go on board, I wrote a Letter to the Commander, whom I understood was a Prisoner on board the Frigate, offering him my services, and requesting him to give me every information relative to the unwarrantable Capture of his Vessel, that I might take steps to procure his release.

My Letter was not allowed delivery to the Commander, but was sent back with an insulting message, on which I demanded satisfaction from his Excellency the Captain-General, and obtained from him an order to the Portuguese Commodore, to communicate personally with Lieutenant Warren. On going on board, he informed me that, having been appointed Acting Commander of the Packet, by order of Captain Gordon, of His Majesty's Ship *Athol*, at Sierra Leone, in consequence of the murder of her former Commander, Harrison, and the major part of her Crew, by Pirates, on the Coast of Africa, he was proceeding home to England with Despatches, having on board a number of Invalid Officers and Seamen, when passing by the Island of Terceira, on the 6th instant, he was fired at by a Portuguese Brig of War, and shortly afterwards boarded by a Boat from the *Diana* Frigate, with a number of armed Soldiers and Seamen, who demanded to see the Vessel's Papers, and his Commission, on which he produced the written order from Captain Gordon, which was not considered satisfactory; on this, the Ship's Register, Mediterranean Pass, Log Book, and the Mail Bags for England, were produced, and forcibly taken away on board the Frigate, and Lieutenant Warren, with Mr. Neill, Surgeon, were sent on board, after taking from them their pistols and side arms. Lieutenant Warren, on arriving on the quarter deck of the *Diana*, was insulted with the epithets of Pirata, Filho de Puta, and other opprobrious words, and was treated in every respect like a Felon. I have remonstrated warmly with the Captain-General and the Commodore on this infraction of the Law of Nations, and harsh treatment of British Officers and Seamen; but the only satisfaction I can obtain, is permission for them to land here under parole, until sent to Lisbon, to be tried in the Admiralty Court there on suspicion of Piracy. The Vessel being armed with four carriage guns, 12-pounders, with a number of small arms and boarding pikes, is adduced in proof of her being a Pirate, and that the Commander has no Commission from the English Government, nor the Uniform of a British Officer, and that the Admiralty Pass is dated so far as 1822, and was granted

for one Voyage only; and further, that the Packet was formerly a Privateer, and had captured several Brazil Vessels, which was known to be fact, by several of the Crew of the *Diana*, who had seen her at Rio Janeiro.

To all this I replied, that Vessels belonging to the Honourable Company were always licensed to carry arms for their defence against Pirates; that the number of musquets and boarding pikes were not more than is usual for a Vessel of her class to carry; that the Commander had produced his written Order from Captain Gordon, appointing him to take charge of the Packet, and carry her home, and that his having no Naval Uniform was to be accounted for, that being on Half-pay, it was not customary for Naval Officers to wear their Uniform, except when serving on board in King's Ships, and that his Commission was left in England; and further, that the Packet having been absent from England, employed on the St. Helena Station, ever since 1822, the Admiralty Pass did not require renewal; that the Vessel's Register clearly shewed her to be British built, that she never was employed as a Privateer, and that the assertions of the Portuguese Seamen were false. I further offered to give bond in the name of your Honourable Company, to any amount they might require, for her release; and that I would get Documents from the British Government to prove, to the satisfaction of the Portuguese Government, that the Vessel is *bonâ fide*, the property of your Honourable Company, and not a Pirate, as alleged by them. But it is all in vain; the Captain-General refused to see Surgeon Neill, and Mr. Cleveland, Master of the *Plumper*, who waited on his Excellency in their Naval Uniform; he tells me to be prepared for Monday next, to undergo the Interrogations before a Magistrate, prior to the Packet being sent on to Lisbon, whether she is to be sent under convoy of the Frigate, together with two English Brigs, and an American Schooner, all laying here, under detention, with valuable Cargoes, on suspicion of being destined for Terceira. I understand that the *Diana* chased a large East Indiaman some days ago off Terceira, but hauled off from her on finding she was well armed; and, I have no doubt, if they fall in with any of your Honourable Company's Ships, homeward bound, that they will capture them if they can.

There being no Agent for the Honourable Company at the Azores, specially appointed, they may dispute my authority as Consul-General, and Agent for Lloyd's and Liverpool, to act in any case of emergency; if, therefore, your Board should think proper to appoint one, I tender my services gratuitously, and shall feel great pleasure in attending to the interests of the Honourable Company; and I refer to the Secretary at Lloyd's, and to my Agent in London, Robert Kite, Esq. 26, Bucklersbury, for any information your Honourable Board may desire; and shall merely state, that I have served His Majesty 48 years, viz. 21 years in the Royal Navy, and 27 years in the Consular Department, and must be presumed well versed in nautical and commercial affairs.

Lieutenant Warren will enclose your Honourable Board a Copy of his Log Book. Of his Capture he has noted his protest in my Office, but there has not been time allowed us to extend it, as this must go by the Bark *Eddystone*, which I have laden with Teak Timber, saved from the *Isabella*, wrecked here last February, and I have delayed this Vessel 24 hours expressly to write by her.

I demanded the mail bags from the Captain-General taken from Captain Warren, but he will not deliver them up, saying they must all go to Lisbon to be produced with the Ship's Papers in the Admiralty Court. I have warned his Excellency of the consequences that will result from these proceedings, and I have written to the Foreign Office, for the information of the Earl of Aberdeen, on all these unjustifiable Captures.

On the Packet's departure for Lisbon, I shall write to Mr. Consul-General Mackenzie, and press his active interference on behalf of these captured Vessels.

I have the honour to be, &c.

To the Hon. the Board of Directors
of the East India Company,
London.

(Signed)

W. HARDING REED,
Consul-Gen. and Agent.

Sub-Enclosure F. in No. 11.

Honourable Sir,

St. Michael's, 10th July, 1830.

I BEG leave to state that the Honourable Company's Schooner *St. Helena*, was brought into Sierra Leone by the Survivors of the massacre committed by Pirates a short time after she left St. Helena ; that the persons murdered were, Captain Harrison, Dr. Waddell, Mr. Potter, and 10 of her Crew, and that Captain Gordon gave me a written Order to refit the said Schooner, and proceed with Despatches, and the invalided Officers and Crew of the African Squadron, to England. On the 6th of July after, having made the Island of Terceira, the body of the Island bearing N.W. distant six leagues, I was fired at by a Brig of War, who shewed no Colours, and almost immediately after boarded by an armed Boat belonging to the *Diana*, Portuguese Frigate, which was a-head of us, standing towards us. I did every thing in my power to satisfy the Officers boarding, that we were pursuing our course towards England, and shewed them Captain Gordon's Order to me to that effect, but without producing any conviction ; and after having been treated with every indignity and insult, I was hurried on board the Frigate, together with the Carpenter of the *Atholl*, Boatswain of the *Primrose*, and the Invalided Seamen and Marines of His Majesty's Squadron at Sierra Leone. The Surgeon of the *Primrose* was ordered to deliver his sword up at the head of a Party of Marines, and my pistols were taken from me, and carried on board the Frigate. I made a particular detail of the whole transaction to the British Consul-General at this place, who has acted with the greatest promptitude at procuring my release, and permission for the Officers to go on shore ; he has remonstrated with the Commandant of the Frigate, and protested against his unlawful conduct to the Captain-General, without, however, producing any effect. A full detail will be made to the Honourable Court of Directors, by the Consul-General, relative to this transaction.

Herewith I enclose you a Copy of the Schooner's Log Book, and
Remain, &c.

*The Hon. Board of Directors
of the East India Company,
Leadenhall Street, London.*

(Signed) W. S. WARREN.

Sub-Enclosure G. in No. 11.

*Extract of the Log Book of the Honourable Company's Schooner St. Helena, from
Tuesday, 6th July, and following days.*

AT daylight, steering E.N.E. the centre of the Island of Terceira bearing N.N.W. $\frac{1}{4}$ W. distant 16 miles, observed a Ship and Brig on the lee bow, their lower yards below the horizon ; bore away to close ; at 7 the Brig fired a shot towards the Schooner, without showing any Colours ; hoisted the English Red Ensign at the peak ; the Brig fired another shot when on the beam, distant 6 miles, but observing a Boat shove off from the Ship, (a large Frigate) kept the same course ; at this period, the strange Sails hoisted the Pendant and Flag of the Portuguese Nation ; at 9 boarded by an armed Boat ; the Officer demanded the Ship's Papers ; the Captain shewed his appointment from the Commandant of the Naval Squadron at Sierra Leone, which not proving satisfactory, he, with Surgeon Neill, (in charge of the Invalids of the Squadron on the Coast of Africa) was taken on board the Frigate ; in a short time they returned with the Captain of the Frigate ; after a strict examination of the Ship's Papers, Logs, Despatches, some Official Letters, and other Documents, there was a muster of the Invalids, whose Invalid Tickets were also strictly examined, after which the holds, and other parts of the Vessel, were visited by the Captain of the Frigate and other Officers. The Boat then returned to the Frigate, taking, in addition to the Captain and Surgeon, the invalided Master of the *Plumper* Brig of War. In half an hour, the Boat returned to the Schooner with the above Officers and a Prize Master, the latter taking possession of her in the

name of Dom Miguel; shortly, another Boat arrived with 12 armed Marines, who were followed by their Officer and a party of Seamen. The Crew and Invalids were ordered on board the Frigate, although Surgeon Neill publicly protested against the Sick leaving the Vessel, their cases demanding particular care, and one man being actually under surgical operation. A search was then made for arms and ammunition, all of which they took under especial charge; Surgeon Neill's sword was then demanded, which he refused to deliver, until being ordered by the Officer of Marines, at the head of his Party under arms, to whom it was presented; the Captain's private case of pistols were demanded, and upon his expostulating upon their rights, five Marines followed him down to the cabin, and there remained until the pistols were given up; the Captain then desired to speak to the Commandant of the Frigate, which was positively refused, till, after some altercation, the Frigate was hailed by one of the Portuguese Officers; after which communication, Captain Warren was ordered in the Boat in the most insulting and peremptory manner, and has not since returned.

Wednesday, 7th July, at One P. M. the Frigate and Schooner made sail upon a wind, the latter exclusively under the orders of the former; at 10 A. M. the Schooner in charge as yesterday, the Captain still on board the Frigate, winds light and variable, apparently steering towards St. Michael's, distant about 25 miles.

Thursday, the 8th July.—The Schooner in company with the Frigate, and in charge as yesterday; at 4 P. M. got the small bower cable out, bent it, and unstowed the anchor. 7—30, Tacked.

Sub-Enclosure H. in No. 11.

Consul-General's Office for the Azore Islands.

I, the Undersigned, Consul-General to His Britannic Majesty for the Azore Islands, do hereby certify and attest, that the foregoing is a true and faithful Copy, extracted from the Log kept by the Mate of the Honourable Company's Packet *St. Helena*, Lieutenant William Smith Warren, Acting Commander, which Log Book is deposited, *pro tempore*, in the Archives of this General Consulate.

Given under my Hand and Seal of Office, at St. Michael's, this 10th day of July, 1830.

(Signed)

W. HARDING READ, *Consul-General.*

No. 12.

Lord Dunglas to C. A. Mackenzie, Esq.

Sir,

Foreign Office, 4th August, 1830.

I AM directed by the Earl of Aberdeen to acknowledge the receipt of your Despatches to the 17th ult. inclusive.

With reference to your Despatch of the 10th of July, on the subject of the case of the *Ninus*, I am to desire, that you will continue to use your best endeavours to procure the speedy release of that Vessel.

C. A. Mackenzie, Esq.

&c. &c. &c.

I am, &c.

(Signed) DUNGLAS.

No. 13.

C. A. Mackenzie, Esq. to Lord Douglas. (Received August 25.)

My Lord,

Lisbon, 7th August, 1830.

I SAW Viscount Santarem yesterday morning, but am not yet enabled to state to your Lordship any satisfactory result of his Excellency's promises to me respecting the repayment of the sums exacted from the six Maltese Subjects, nor the final settlement of the Police Inquiries at Figueira, but I have had the satisfaction of receiving Copies of the Letters written at my request to the Authorities at Oporto, requiring the most minute attention to the proper treatment of British Vessels at that Port.

The *Diana* Government Transport which put in here some weeks ago, in distress, has been repaired and reladen, and sails for Bermuda to-morrow. The Captain assures me that the loan of the Government Hulk for the temporary deposit of the Cargo, and the other facilities afforded to him by the Admiral of the Port here, led to a saving of £200 expence. I mean to write a letter of acknowledgment for these civilities, on Monday, to the Minister of Marine, addressed to Viscount Santarem.

The four English Vessels detained by the Blockading Force, off Terceira, arrived at Belem Castle yesterday. Some of their Officers called on me at ten o'clock last night, imagining that I could interfere for their immediate release, so as to enable them to embark on board the Packet this evening for England. They will soon discover that this is not the Country for rapid despatch of any business whatever, and I shall be glad if their departure can be accomplished previous to the sailing of the *Britomart*, whose arrival is just announced to me.

Mr. Read has sent to me a full statement of the Capture of the four Vessels, a Copy of which I take the liberty of enclosing, although I hear that ample details were sent home from St. Michael's. The Captains of these Vessels have been for two hours at this office, giving their protests and particular relations of their sufferings.

It is my intention to write immediately a statement founded on what has been communicated to me, for the information of the Government here, summoning them to exertion, and I mean to pay a visit to Viscount Santarem to-morrow morning, and entreat his Excellency to see the Minister of Marine without delay, for the purpose of concerting some arrangement to liberate some or all of these English Vessels, whose injuries and detention are a disgrace to the Officers acting and commanding off Terceira.

I anxiously look forward that my exertions may be attended with success, although the supineness and apathy of the Rulers here are sufficient to disappoint every effort that can be made, even for their own benefit.

I have the honour to be, &c.

Lord Douglas,

(Signed)

C. A. MACKENZIE.

&c. &c. &c.

Enclosure 1 in No. 13.*St. Michael's, 17th July, 1830.*

LIST of British Vessels under detention at St. Michael's by the Portuguese Squadron, employed on the Blockade of Terceira, whom are ordered to proceed on to Lisbon for final adjudication, under convoy of the *Diana* Frigate, viz. Brig *Amelia*, Peter Whitty, Master, from Sierra Leone, bound to Guernsey with a Cargo of African teak timber, consigned to Peter le Lacheur, Mer-

chant in Guernsey, captured on the 21st June by the *Diana* Frigate, when distant 21 miles off Terceira, on suspicion of being destined for that Island. After being examined by the Juiz de Fora he has given a Sentence in favour of the Master, declaring there was no just grounds for detaining the Vessel, but an appeal has been lodged to the Admiralty Court in Lisbon. Some of the timber has been taken out of the Vessel and sent to the Castle at St. Michael's to repair the gun carriages (which they stand in need of) without any consent of the Master, or any valuation fixed to pay for the same, in case the Vessel and Cargo should be finally restored.

Brig *Velocity*, Samuel Brooks, Master, from Lima and Valparaiso, with a very valuable Cargo bound to London, consigned to different mercantile houses, consisting of hides, seal skins, cotton, bark, dollars, doubloons, gold dust, and silver in bars also, as appears by 27 different bills of lading. The Master has been 20 months absent from England, and knew nothing of the Blockade : he had no intention whatever of going into Terceira, and was actually past the Port of Angra steering to the Eastward when detained, and was distant about 16 miles from the land as deposed to by the Captain. This Vessel also, after examination of her Papers by the Magistrate is declared to have been illegally detained ; but an appeal has been lodged at Lisbon.

The Honourable East India Company's Packet, the *St. Helena*, a Schooner armed with four carriage guns and small arms in proportion, Lieutenant William Smith Warren, of the Royal Navy, Acting Commander from Sierra Leone, bound to London, having on board 11 Officers and Seamen invalided from His Majesty's Ships of War on the African Station as passengers ; this Vessel was captured on the 6th July by the *Diana* Frigate, on suspicion of being a Pirate, the Officers and Men grossly insulted, their side arms and pistols taken away, Lieutenant Warren kept three days a prisoner on board the *Diana*, and the sick and invalid Seamen removed from under the care of Mr. Neill, late Surgeon of His Majesty's Ship *Primrose*, and sent from the Packet to the *Diana*, where they still remain. The mail bags and ship Letters from the Vessels in the African Station, detained and refused delivery up, to send to England by the Ship *Eddystone*, on the 10th instant. The invalid Seamen were claimed by me as belonging to His Britannic Majesty's service, and requested to be sent on shore, but were refused. This Vessel, after being detained on suspicion of being a Pirate, and the Portuguese finding that they have brought themselves into a dilemma by her capture, they have since shifted their grounds of accusation, and now assert that she is detained on suspicion of being bound to Terceira, which charge is equally false and absurd, as the *St. Helena* steered direct for the Frigate on first seeing her, wishing to speak to the *Diana*. The *St. Helena* was taken in March last by a Pirate, on the coast of Africa, who murdered the Captain (Harrison) and eleven of his Crew, cut away her masts, and then fired shot through her, endeavouring to sink her, and then abandoned her ; but six of the Crew having hid themselves down in the hold, escaped being murdered, and took her to Sierra Leone, when Lieutenant Warren was appointed to take charge of her and carry her home to the East India Company. She has 35 barrels of copper coin on board from St. Helena, belonging to the Honourable Company.

The Brig *Margaret*, of Liverpool, John Watson, Master, with a valuable Cargo of sugar, coffee, hides, &c. from Rio de Janeiro, bound to Hamburg, was captured on the 9th instant by two Brigs of War off Terceira, from which she was distant between 5 and 6 leagues, steering due east ; she showed her colours immediately on the first gun being fired, and shortened sail and hove to on the second gun : her manifest and bills of lading clearly shew her destination to be for Hamburg, chiefly on British account. This Vessel is 333 tons burthen, has nearly 500 cases of Brazil sugar, and 2000 bags of coffee, besides other Cargo, supposed to be worth more than 150,000 milreis.

(Signed) W. HARDING READ, *Consul-General*.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received August 26.)

My Lord,

Lisbon, 11th August, 1830.

MY occupations on Saturday last were so numerous in seeing the parties connected with the four Vessels just then arrived from St. Michael's; despatching the ordinary Packet, and receiving the Mail by the *Britomart* Sloop of War, that I was not able to state to your Lordship the impressions made on my mind by the relations presented to me by the Officers and Masters of the four Vessels. On the following morning, after perusing the various Documents, I sent to Viscount de Santarem and requested an audience, which was granted immediately; and I represented to his Excellency in strong terms the injustice and effrontery with which the Portuguese Cruisers had acted in taking British Vessels on the high seas, without a vestige of proper suspicion existing that they were to enter Terceira. I stated that when such affronts were given, and I had never heard of greater, some exertion was necessary on the part of the Government here to repair the injury; that I should immediately send to his Excellency a detailed account of the treatment of the four Vessels, but I waited on him expressly to require that an instantaneous enquiry should take place here in the business; that I should grant three days for this purpose, but that on Wednesday night the Mail for England should be despatched with any account I might have of success or failure.

I found his Excellency in considerable agitation, hoping that the Government would not be accused for the acts of its Officers. I answered that the measures to be adopted would prove the difference; but that he would easily perceive that it was my solemn duty not to allow a renewal of such shameful delays and cruel treatment as had been put in practice (against my renewed protests) in the case of the Vessel the *Ninus*. I dwelt with great freedom in reprimanding the insolent conduct of the Portuguese Officers to the Crew of the *St. Helena* Schooner, and succeeded in rousing his Excellency to feel how much I was justly offended at finding the British Flag and Subjects so ill-treated.

I need not repeat all our conversation. The Viscount told me that although his King was absent at Caldas he would try to find the Duke of Cadaval, Minister of Marine, and that every effort should be made for my satisfaction.

I soon after sent to his Excellency my Letter of detail, of which I have the honour to transmit a Copy to your Lordship. The next morning early I had a line from his Excellency, begging to see me at ten o'clock. I found his Excellency disposed to apologize for every thing, but only authorised to give me up the Schooner *St. Helena*, on my personal assurance that she was, *bonâ fide*, a British Vessel. I wrote the same to his Excellency immediately, as the Copy, No. 2, will shew.

I have exchanged a variety of Notes with his Excellency since then; the perusal of Nos. 4, 5, 6, 7, and 9, will shew their purport without my troubling your Lordship with more details.

This morning I wrote to his Excellency my representation on not having heard of any preparatory arrangement about the other three Vessels; it was instantly answered by a request that I would defer sending off the *Britomart* for twenty-four hours, to which I have acceded.

I need not repeat my story, nor its accompanying regret. Lord Aberdeen will be able to seize the importance of the whole at once. The Portuguese Officers have acted most audaciously ill, and the Government in its supineness and apathy is unwilling or unable to correct the daring Offenders. I have desired all the Masters and Officers of the four Vessels to keep notes of their charges and expences, as I hope to witness a speedy repayment made by the Portuguese Government.

I cannot presume to imagine in what way the British Government may

chuse to demand satisfaction for these many serious wrongs; something beyond the ordinary language will I imagine be of use to this Government, in checking the unbridled impertinence of the Marine Officers, who not being paid, (I believe at all) by their Government, are determined to take whatever may fall in their way, provided no shew of force is made to oppose them.

Among the Notes received, is one stating that the Maltese are to be refunded what the Police Officers took from them.

I have the honour to be, &c.

Lord Dunglas,

&c. &c. &c.

(Signed) C. A. MACKENZIE.

Enclosure 1 in No. 14.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Sir,

Lisbon, 8th August, 1830.

I HAVE had the honour to acquaint your Excellency, verbally, this morning with the grievous circumstances which have come to my knowledge respecting the detention of the four British Vessels, which arrived in the Tagus on Friday last, from St. Michael's.

I represented to your Excellency the serious consequences that may result from these accumulated outrages on the British Flag. And I now submit to your Excellency a Statement of the relations made to me by the Officers and Men of the four different Ships.

Brig *Amelia*, Peter Whitty, Master, from Sierra Leone, bound to Guernsey, with a Cargo of African teak timber, consigned to Peter le Lacheur, Merchant, in Guernsey, captured on the 21st June, by the *Diana* Frigate, when distant 21 miles from Terceira, on suspicion of being destined for that Island; after being examined by the Juiz de Fora, he has given a Sentence in favour of the Master, declaring there was no just grounds for detaining the Vessel, but an appeal has been lodged to the Admiralty Court in Lisbon. Some of the timber has been taken out of the Vessel, and sent to the Castle at St. Michael's, to repair the gun carriages (which they stand in need of) without any consent of the Master, or any valuation fixed to pay for the same in case the Vessel and Cargo should be finally restored.

Brig *Velocity*, Samuel Brooks, Master, from Lima and Valparaiso with a very valuable Cargo bound to London consigned to different mercantile houses, consisting of hides, seal skins, cotton, bark, dollars, doubloons, gold dust, and silver in bars also, as appears by 27 different bills of lading. The Master has been 20 months absent from England, and knew nothing of the Blockade; he had no intention whatever of going into Terceira, and was actually past the Port of Angra, steering to the Eastward when detained, and was distant about sixteen miles from the land, as deposed to by the Captain. This Vessel also, after examination of her papers by the Magistrate, is declared to have been illegally detained; but an appeal has been lodged to Lisbon.

The Honourable East India Company's Packet, the *St. Helena*, a Schooner armed with four carriage guns and small arms in proportion, Lieutenant William Smith Warren, of the Royal Navy, Acting Commander, from Sierra Leone, bound to London, having on board eleven Officers and Seamen invalided from His Majesty's Ships of War on the African Station as Passengers; this Vessel was captured on the 6th July, by the *Diana* Frigate, on suspicion of being a Pirate; the Officers and Men grossly insulted, their side arms and pistols taken away, Lieutenant Warren kept three days a prisoner on board the *Diana*, and the sick and invalid Seamen removed from under the care of Mr. Neill, late Surgeon of His Majesty's Ship *Primrose*, and sent from the Packet to the *Diana*, where they still remain. The mail bags and Ship Letters from the Vessels in the African Station, detained and refused delivery up, to send to England by the Ship *Eddystone* on the 10th July. The invalid

Seamen were claimed as belonging to His Britannic Majesty's Service, and requested to be sent on shore, but were refused.

The Brig *Margaret*, of Liverpool, John Watson, Master, with a valuable Cargo of sugar, coffee, and hides, &c., from Rio de Janeiro, bound to Hamburg, was captured on the 9th July, by two Brigs of War off Terceira, from which she was distant between five to six leagues, steering due east; she showed her colours immediately on the first gun being fired, and shortened sail, and hove-to on the second gun. Her Manifest and Bills of Lading clearly show her destination to be for Hamburg, chiefly on British account. This Vessel is 333 tons burthen, has nearly 500 cases of Brazil sugar, and 2,000 bags of coffee, besides other cargo, supposed to be worth more than 150,000 mil reis.

From these circumstances it must be evident that all the four Vessels were never destined for the Island of Terceira, but were following the regular tract of their navigation, while the conduct of the Portuguese Officers in the violent interruption of these Vessels in their tract is most highly reprehensible, and will, I am confident, become matter of further investigation; but, above all, the absurd pretence of stopping a British Vessel as the *St. Helena*, with a Commissioned Officer of His Majesty's Navy commanding her, who, after exhibiting his Commission, his Instructions and Papers, was so barbarously treated on board the *Diana* Frigate, as to be called a Pirate, and have his sword wrested from him: this must form a distinct object for the further judgment of His Majesty's Government.

I cannot presume to imagine what may be the result of their indignation and irritation on learning that Portuguese Officers have had the audacity to ill treat the British Flag and Subjects with such unlicensed injustice and cruelty.

As these relations have been distinctly and secretly known to the Government here for more than a fortnight, and as the Vessels taken can never be suspected of trading with the Island of Terceira, I respectfully solicit your Excellency to invite your Colleagues in Office to decide on the immediate liberation of these British Ships, as the British Government has a right to claim immediate deliberation and decision, to repair the glaring injustice so flagrantly committed; and I entreat to learn from your Excellency the result of the said decision of your Government, as I mean to dispatch the Packet on Wednesday evening with the same for England.

I beg to renew, &c.

His Excellency Viscount de Santarem, (Signed) C. A. MACKENZIE.
&c. &c. &c.

Enclosure 2 in No. 14.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Sir,

Lisbon, 9th August, 1830.

IN compliance with your Excellency's wish, expressed to me verbally this morning, to have a repetition of the statement made in my Letter to your Excellency of yesterday, respecting the unjust seizure of the *St. Helena* at sea; I have the honour to annex the same, and likewise a Copy of the Commission given by the British Commanding Officer on the Sierra Leone Station, to the Surgeon in charge of the invalids, with his orders to proceed to England in the same Vessel, and a report from Lieutenant Warren commanding the *St. Helena*, to Captain Johnson his Senior Officer here.

I beg leave to offer to your Excellency, at your desire, my assurance and belief that the said Vessel the *St. Helena* is bona fide such as is stated by the Commanding Officer, and I consider her detention and ill-treatment have been cruel, unnecessary, and unjust.

I must beg leave to repeat to your Excellency that the same imperious duty, which appears to actuate the Portuguese Government, to liberate the *St. Helena*,

is equally required to influence their conduct in respect to the other three British Vessels arrived with the *St. Helena*.

I beg leave to renew, &c.

(Signed)

C. A. MACKENZIE.

His Excellency Viscount de Santarem.

&c.

&c.

&c.

Sub-Enclosures in No 14.

Statement.

THE Honourable East India Company's Packet the *St. Helena*, a Schooner armed with 4 carriage-guns, and small arms in proportion, Lieutenant William Smith Warren, of the Royal Navy, Acting Commander, from Sierra Leone, bound to London, having on board 11 Officers and Seamen invalided, from His Majesty's Ships of War on the African Station as Passengers: this Vessel was captured on the 6th of July, by the *Diana* Frigate, on suspicion of being a Pirate, the Officers and Men grossly insulted, their side arms and pistols taken away, Lieutenant Warren kept three days a Prisoner on board the *Diana*, and the sick and invalid Seamen removed from under the care of Mr. O'Neill, late Surgeon of His Majesty's Ship *Primrose*, and sent from the Packet to the *Diana*, where they still remain: the mail bags and Ship Letters from the Vessels on the African Station, detained, and refused delivery up, to send to England by the Ship *Eddystone* on the 10th July. The invalid Seamen were claimed as belonging to His Britannic Majesty's Service, and requested to be sent on shore, but were refused.

Copy of an Order from Captain Gordon, Senior Officer on the African Station, to Mr. A. Neill, Surgeon, invalided from His Majesty's Ship Primrose,

By Alexander Gordon, Captain of His Majesty's Ship *Atholl*, and Senior Officer at Sierra Leone.

You are hereby directed to proceed to England in the Schooner *St. Helena*, taking charge of such invalids as may be sent from the Squadron for a passage in that Vessel.

Given under my hand, on board the *Atholl*, at Sierra Leone, the 30th April, 1830. (Signed)

Mr. A. Neill, Surgeon, invalided from
His Majesty's Ship *Primrose*.

ALEXANDER GORDON,
Captain and Senior Officer.

Lieutenant W. Warren, R. N., Commander of the Schooner St. Helena, to Captain Johnson, His Majesty's Ship Britomart.

Sir,

Lisbon, 7th August, 1830.

I BEG to acquaint you that having received an order from Captain Alexander Gordon, of His Majesty's Ship *Atholl*, and Senior Officer at Sierra Leone, to take the command of the Honourable East India Company's Schooner *St. Helena*, to refit her with all despatch, and receive on board all the invalids from the Squadron and proceed to England, we sailed from Sierra Leone on the 16th May, and on the 5th day of July we made the Island of Terceira, steering from about N. E. by E. and E. N. E., wind from the S. E. At day-light on the 6th, we saw a large Ship a-head, and a Brig on the lee bow; at 7, we altered our course to N. E., and N. E. by N., with the intention of speaking the Frigate. At 8 a Boat came alongside from the Portuguese Frigate *Diana*, when the Officer demanded my Papers. I gave him Captain Gordon's Order, which was not sufficient. I then requested to go on board the Frigate, which was granted. I took with me the Schooner's Register, Licence for being armed, and my Order from Captain Gordon, when I was sent back in company with Dr. Neill. The Captain of the Frigate came with us and examined every part of the Ship, all Papers, Ship's Log-book, and public Despatches. I was then taken on board the *Diana*, when I was told that I was to be detained for Piracy. I was to be

taken to St. Michael's, and was kept on board the Frigate, a Prisoner, and created with every sort of disrespect until our arrival at St. Michael's, when I was allowed to go on board my Vessel. All the small arms and ammunition was taken out of the Schooner, and sent on board the Frigate at St. Michael's. For further particulars, I refer you to my Protest, which will be given you the moment I can go on Board the Schooner, which is now at Belem.

I remain, &c.

Captain Johnson.

(Signed) Lt. W. WARREN, R. N.

Enclosure 3 in No. 14.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Sir,

Lisbon, 11th August, 1830.

AS I have not been honoured with any Communication from your Excellency in answer to my representations about the three British Vessels which arrived here on Friday last with the Schooner the *St. Helena*, and as the cruel and unnecessary delays experienced in the examination of the Case of the other British Vessel, the *Ninus*, the total ruin of her Cargo leave me no hope of any prompt justice, I beg leave to state to your Excellency, that the *Britomart* Sloop of War will be dispatched this evening for England, with my Letters, to inform His Majesty's Secretary of State of the steps I have taken, and of the failure of any success regarding the liberation of three Vessels.

The future consequences will be at the responsibility of the Portuguese Government; if their Officers received Instructions only to blockade the Island of Terceira, the performance of such a duty has been very unsuccessful. But it is to be presumed that Orders were likewise given to them to respect the Commerce of all Nations in such a particular tract of the ocean, forming the most marked line of communication to and from Europe.

Such Orders, if given, appear to have been completely counteracted, and five British Ships, with rich Cargoes, totally unsuited for the Island of Terceira, with their Registers, Papers, and Crews, in perfect order, proving their lawful pursuits, and distant destination from that Island, have been arrested, ill treated, and partly plundered. On their arrival here, the Government, instead of immediately ordering an investigation of such gross and glaring insults to the British Flag, allows their Officers to turn the English Crews ashore, without provisions or support, and to *dismantle* the Vessels, as if they were legally captured and condemned, in direct opposition to the Sentence given by the Portuguese Judge at St. Michael's, which declared that the same Vessels were not good Prizes.

I fear I have erred in submitting to remain here a spectator of such hostile conduct to the British Government and its Subjects, but the time requisite for my receiving the commands of His Majesty's Secretary of State is so short, that I shall hazard doing even what may be found fault with.

I beg leave to offer, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

Enclosure 4 in No. 14.

Viscount de Santarem to C. A. Mackenzie, Esq.

(Translation.)

Secretary of State's Office for Foreign Affairs.

11th August, 1830.

THE Viscount de Santarem has the honour to present his compliments to Mr. Mackenzie, and to acknowledge the receipt of his Despatch of this day's date, and laments that the local distance which the King his Master is at, not having allowed time for the Minister of the Marine to receive, as yet, the autho-

risation which he supplicated, for the purpose of complying with Mr. Mackenzie's reclamations, but which he expects every moment, and calculates on receiving them in the course of this day. In case, however, the arrival of the said authorisation should be delayed until a later period, the Viscount de Santarem requests Mr. Mackenzie will defer the sailing of the Packet for 24 hours longer.

Viscount Santarem renews, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

Enclosure 5 in No. 14.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Lisbon, 7th August, 1830.

THE arrival in the Tagus of the four English Vessels which were detained by the Portuguese Cruizers off Terceira, will oblige me to address your Excellency in terms of surprise and anxiety, at such unexampled trials of force against the rights of Nations, and the free navigation of the high seas ; but I am compelled, before doing this painful duty, to entreat your Excellency's attention to the subject of the inclosed Paper, received this morning, from the British Vice-Consul at Belem, in which he complains of the violent and unprovoked conduct of the Portuguese Lieutenant Mauricio, in command, for the time being, on board of the British Brig named the *Velocity*.

I beg your Excellency will be good enough to forward this Document, without delay, to his Excellency the Minister of Marine, who will, I feel confident, give orders to reprimand this Officer, and have him removed from the possibility of adding cruelty to injustice.

I have the honour to be, &c.

His Excellency Viscount de Santarem, (Signed) C. A. MACKENZIE.
&c. &c. &c.

Sub-Enclosure in No. 14.

Mr. Philipps to C. A. Mackenzie, Esq.

Sir,

Belem, 6th August, 1830.

HAVING applied personally to Lieutenant Mauricio Joze Alves, Prize Master of the British Brig *Velocity*, to communicate with the Master of the said Vessel, the Officer refused, without my procuring an order from his Superior Officer; immediately went on board the *Diana* Frigate, the Commander of which said, there could be no impediment in my communicating with the Master, so much so, that he gave me an order to the Officer. On my approxing the Brig, the Officer made use of most abusive and insulting language, and on my persisting to go alongside to deliver the order, the Officer then threw a square kettle, which struck me with great force on the head. Soldiers were also on the gangway, to prevent my going on board. From the little conversation I had with the Master of the *Velocity*, he has been treated in so brutal a manner by this Officer, although on board his own Vessel.

I have been prevented from rendering assistance to one of His Majesty's Subjects, from the treatment I experienced from the Portuguese Officer in charge of a British Vessel.

I beg to transmit you the order I received to repair on board the *Velocity*.

I have the honour to be, &c.

C. A. Mackenzie, Esq. (Signed) JAS. PHILIPPS.
&c. &c. &c.

*Enclosure 6 in No. 14.**Viscount de Santarem to C. A. Mackenzie, Esq. (Translation.)**Secretary of State's Office for Foreign Affairs,
11th August, 1830.*

THE Viscount de Santarem has the honour of presenting his compliments to Mr. Mackenzie, and to acquaint him that he has just received from the Minister of Marine, a Communication, that Orders have been sent to the Major-General, that the Commander of the Schooner be immediately substituted by another.

The Viscount de Santarem renews, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

*Enclosure 7 in No. 14.**C. A. Mackenzie, Esq. to Viscount de Santarem.*

Sir,

Lisbon, 8th August, 183

HAVING learnt yesterday morning that, among the Passengers on board of the British Schooner the *St. Helena*, from the Coast of Africa, so unjustly detained by a Portuguese Cruizer off Terceira, there was a number of Invalid Soldiers, who were removed on board the *Diana* Frigate, which entered the Tagus on Friday last, I directed Captain Johnson, of His Majesty's Sloop the *Britomart*, to apply for these unfortunate persons, and take them on board of his Vessel, where their wants would be more studiously attended to.

Captain Johnson writes to me this morning, that he addressed a Letter for this purpose to the Commanding Officer of the *Diana*, who has declined giving up the Invalids until superior orders are sent to him to that effect. I have the honour to forward to your Excellency a Copy of this Letter, and request most urgently that the requisite directions may be given without delay.

I beg to renew, &c.

His Excellency Viscount de Santarem, (Signed) C. A. MACKENZIE.
&c. &c. &c.

*Enclosure 8 in No. 14.**Viscount de Santarem to C. A. Mackenzie, Esq. (Translation.)**Secretary of State's Office for Foreign Affairs,
Lisbon, 9th August, 1830.*

Sir,

THE Viscount de Santarem has the honour to present his compliments to Mr. Mackenzie, and to transmit to him the enclosed Copies of two Despatches which he has just received from the Minister of Marine, in one of which he mentions that Orders have been sent to the Major-General to deliver to Mr. Mackenzie the individuals he reclaimed in his Note of the 8th instant; and in the second, stating that the impediment had been removed to the delivery of the Mail, also reclaimed in his Note of the 7th instant, and which will be delivered with this. The Viscount de Santarem is very sorry there had not been time to comply with these objects as soon as he could have wished, and he profits of the occasion to renew, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

*Enclosure 9 in No. 14.**The Viscount de Santarem to C. A. Mackenzie, Esq. (Translation.)**Secretary of States's Office, Lisbon, 7th Aug. 1830.*

THE Viscount de Santarem has the honour to present his compliments to Mr. Mackenzie, and to acquaint him that the necessary orders have been passed to make restitution on the 9th instant, of the fines which had been levied on the five Maltese by an Agent of the Police.

The Viscount de Santarem renews, &c.

C. A. Mackenzie, Esq.

&c. &c. &c.

*Enclosure 10 in No. 14.**C. A. Mackenzie, Esq. to the Viscount de Santarem.*

Sir,

Lisbon, 11th Aug. 1830.

I HAVE the honour to receive your Excellency's Note of this morning, and as I find there are hopes of superior orders arriving here this evening, to enable the Government to render some justice to the many injured British subjects, lately conveyed here from St. Michael's, I willingly accede to your Excellency's wish of detaining His Majesty's Sloop of War till to-morrow's evening tide.

Lieutenant Warren, of the *St. Helena*, having called on me this morning, and observed the box of Papers sent to me as the Despatches, which were put on board for His Majesty's Secretary of State for the Colonies, assures me that they are all in a very large bag, and of very great importance, which he repeats at my desire in writing; and I have the honour to send his Letter to your Excellency, requesting that the described Despatches may, without loss of time, be sent from the Frigate to the British Sloop of War.

I am happy to renew, &c.

(Signed)

C. A. MACKENZIE.

His Excellency Viscount de Santarem,

&c. &c. &c.

P.S. Some Despatches have been received, and are forwarded accordingly

*Enclosure 11 in No. 14.**C. A. Mackenzie, Esq. to Viscount de Santarem.*

Lisbon, 11th August, 1830.

Mr. MACKENZIE has the honour to transmit to his Excellency Viscount de Santarem an English Newspaper (*Evening Mail* from 14th to 16th June,) in which there is an account given, and marked, of the Schooner *St. Helena*, and which Mr. Mackenzie hopes will be sufficient to prove that Lieutenant Warren, appointed to command this said Vessel, is a *British Officer*, and not a Pirate, as the Portuguese Officer has audaciously asserted. The Newspaper is at the service of his Excellency, to be sent where he pleases.

Mr. Mackenzie waits with anxiety to learn from his Excellency what reparation the Portuguese Government means to offer for the exercise of the cruel detention of a British Vessel, and the infamous treatment of Lieutenant Warren, and the Officers and Crew of the *St. Helena*, on board of the Portuguese

Frigate the *Diana*, whose Commanding Officer was more brutal in his conduct to those British Subjects than any Barbaresque's Sailor could be.

Mr. Mackenzie renews, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

Enclosure 12 in No. 14.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Lisbon, 8th August, 1830.

Mr. MACKENZIE has the honour to present his compliments, and to acquaint H. E. the Viscount de Santarem, that Twenty-six British Seamen have been inconsiderately sent ashore to his house this morning from the *Diana* Frigate; the Officer so commanding ought to know that no proper accommodations for such a number of persons can be within the reach of Mr Mackenzie; they should have been sent on board their own Vessels, and Mr. Mackenzie begs to have an Order for that purpose sent to him immediately.

His Excellency Viscount de Santarem,
&c. &c. &c.

Enclosure 13 in No. 14.

Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)

Lisbon, 11th August, 1830.

THE Viscount de Santarem has the honour to present his compliments to Mr. Mackenzie, and to transmit him the enclosed Copy of a Despatch, just received from the Minister of Marine, communicating that orders have been issued to receive on board their respective Vessels the Twenty-six Seamen who had been sent to Mr. Mackenzie.

Viscount Santarem renews, &c.

C. A. Mackenzie, Esq.

&c. &c. &c.

P.S. This order was never sent, and the men remain ashore.

(Signed) C. A. MACKENZIE.

No. 15.

Lord Dunglas to C. A. Mackenzie, Esq.

Sir,

Foreign Office, 18th August, 1830.

I AM directed by the Earl of Aberdeen to acknowledge the Receipt of your Despatches to the 31st of July.

Lord Aberdeen approves of the steps which you have taken respecting the British Judge Conservator at Oporto, as reported in your Despatch of the 31st ultimo, and directs me to instruct you to authorize Mr. Crispin to call a meeting of the British Merchants at Oporto, for the purpose of giving them an opportunity of expressing their dissatisfaction at the conduct of the present Judge Conservator, and of electing some other Person in his stead, better qualified for discharging the duties appertaining to that Office.

I am, &c.

C. A. Mackenzie, Esq.

(Signed)

DUNGLAS.

&c. &c. &c.

C. A. Mackenzie, Esq. to the Earl of Aberdeen.—(Received September 6.)

(Extract.)

Lisbon, 19th August, 1830.

HIS Majesty's Frigate the *Galatea* arrived here late on Monday evening. The next morning I sent an early request to see Viscount de Santarem, and was answered by an appointment between one and two o'clock, which enabled me previously to write out my Letter to his Excellency from your Lordship's commands, conveyed to me in your Despatch of the 3d instant.

I found Viscount de Santarem in great anxiety to learn the extent of the wishes and demands of the British Government. I immediately read over to his Excellency the whole of the Despatch, and then delivered to him my Letter, which was but an extended repetition of your Lordship's orders, as the annexed Copy will shew.

It is but justice to Viscount de Santarem to state that he candidly and fully assented to the propriety and extent of all the demands made on his Government. He assured me that he so cordially agreed in all that I urged respecting the detained Ships, that he had acted but as my Clerk in copying what I sent to him, adding that he would immediately despatch a Copy of my Letter to the Duke de Cadaval. I replied that I hoped it would be to Don Miguel, and to all the Ministers, as time pressed, and a final consideration was necessary. His Excellency perfectly agreed with me, and promised so to act.

I pointed out the value that should be attached to the various Documents sent to me, and expressed my astonishment that so many days had elapsed since he had promised to me verbally, and in writing, that the *St. Helena* would be given up, as my Letters by the *Britomart* would shew to your Lordship, and to find nothing said on the subject, even after the strong terms I had written in to his Excellency the day before, and of which I have the honour to annex a Copy. His Excellency answered that the faults were as singular as they were lamentable, but they were not his: I could add no more, and soon after took my leave of him.

Yesterday I received a Letter from an Officer of the Marine Department, written to me, to name an hour for the delivery of the *St. Helena*; I fixed twelve o'clock, and went on board with the Admiral of the Port, who ordered the Portuguese on board to withdraw, and then gave up the Vessel to Lieutenant Warren.

As the three days allowed to Government for their decision about the ships have nearly expired, and as I shall have in a few hours to communicate the result to the Captain of the *Galatea*, who is already preparing for going down to Belem, I shall only have to add a Copy of Viscount Santarem's Communication to me on the important subject of your Lordship's Despatch. The total silence of the Government to this late moment does not augur well.

Four o'clock, P. M.—As Viscount Santarem allowed the stipulated hour to approach without making any communication to me, I sent the Messenger to His Excellency to enquire if it was his wish to receive me on my usual weekly visit; his answer was favorable, and I am happy to inform your Lordship that my reception was most friendly, with the welcome intelligence that the other three British Vessels were to be restored in compliance with your Lordship's wishes, and the Commanding Officer of the Portuguese Frigate to be dismissed the service. He assured me that he had encountered many difficulties in the task. I told him that I should detain His Majesty's Frigate, as the Captain had kindly assented to send fifty Seamen to each Vessel to assist in preparing the whole for sea, as it will be necessary to overhaul and examine the cargoes of the Vessels before their masters become again responsible for the property.

His Excellency promised to me that his Letter on this subject would be sent to me to-morrow, in time to be translated and copied. I hope the *Galatea* and the other Vessels will be ready to sail on Thursday next, and that

your Lordship will approve of my detaining His Majesty's Frigate to prevent any further delays and difficulties. The fourth vessel, the *St. Helena*, is to sail for England to-morrow morning.

The Earl of Aberdeen, K. T.
&c. &c. &c.

I have the honour, &c.
(Signed) C. A. MACKENZIE.

P.S. Saturday Evening. — Viscount Santarem's Messenger has just appeared, and a copy and translation of his Letter will be added to this.

Your Lordship's original orders shall be shewn to His Excellency to-morrow morning. I have the honour to annex a copy of the Letter I addressed to Captain Napier this day, requesting the detention of His Majesty's Frigate *Galatea*, in the Tagus, a few days longer.

Enclosure 1 in No. 16.

C. A. Mackenzie, Esq. to the Viscount de Santarem.

Sir,

Lisbon, 17th August, 1830.

HIS Majesty's Frigate the *Galatea*, arrived here yesterday late in the evening, and Captain Napier delivered to me Despatches from the Earl of Aberdeen.

His Majesty's Government feel highly indignant at the late insults offered by the Portuguese Cruizers, off Terceira, to the British Flag, and to shew to your Excellency the extent and result of such sentiments, I have the honour to transcribe for your information the forcible language His Lordship has addressed to me in his Dispatch.

[See page 9, No. 11—Earl of Aberdeen to C. A. Mackenzie, Esq., Foreign Office, 3d August, 1830.]

I have likewise the honour to transmit to your Excellency, Copies of some of the Papers sent to me by His Majesty's Secretary of State, which furnish a few of the details communicated to the British Government. The contents of the other Documents have been fully communicated by me already to your Excellency.

I have only to hope that the Portuguese Government will immediately adopt the measures required by His Majesty's Government, which are, immediate delivery to me of the four British Vessels detained here, the formal dismissal of the Commanding Officer of the *Diana*, who ill-treated the British Officers and Seamen of the *St. Helena*, and give a promise to me of a full payment of the expences incurred by the injured parties.

I need not repeat to your Excellency that the result of all my inquiries respecting the three Vessels, have been, that their very valuable Cargoes, their Papers, and long voyage prove they could not be destined for Terceira.

I hope your Excellency will likewise see the propriety of my requiring the release of the Ship *Ninus*, which was so unjustly detained by the same Portuguese Squadron.

At the expiration of three days, that is, on Friday afternoon, I shall dispatch His Majesty's Frigate for England, if your Excellency is not enabled to send to me the official assurances, that the above demands of my Government are complied with.

I have the honour to be, &c.
His Excellency Viscount de Santarem, (Signed) C. A. MACKENZIE.
&c. &c. &c.

*Enclosure 2 in No. 16.**C. A. Mackenzie, Esq. to Viscount de Santarem.*

Sir,

Lisbon, 16th August, 1830

EVERY day since I despatched your Excellency's Letter to me, by the *Britomart*, for England, stating that the Orders of your Government had been given to put the Schooner the *St. Helena* at my disposition, I have directed enquiry to be made, at your Arsenal, if any Orders to that effect had been received there, and the answer sent to me by the Inspector has been, that the Department remains in total ignorance on the subject.

I entreat your Excellency, in the name of justice, and of the common decorum usual between friendly Powers, to inform me what has occurred to prevent the execution of the decision of your Government respecting this ill-fated Ship.

I likewise entreat your Excellency to inform me, after so many useless appeals, what can be the intention of the Portuguese Government respecting the other valuable Vessels detained, belonging to British Subjects, whose alarms for their large properties have roused the whole City of London, and the wanton ill-treatment of which has afflicted the better portion of the inhabitants of Lisbon.

I have so clearly pointed out to your Excellency the injustice of these detentions, that it is with difficulty I can refrain from the forcible accusations which occur to me on the authors of these indignities. My respect for your Excellency's manners and character stifle expressions which any spark of British feeling might create. Here are four fine Ships, worth more than as many hundred thousand pounds, arrested in their lawful pursuits, detained six weeks after the Portuguese Judge declared that their seizure was unjust. The Vessels are dismantled, the Cargoes ill-treated, and liable to increasing injury; the Masters and Crews ashore, at my expence, in despair and vexation at such hostile usage.

I beg, therefore, to have an answer to this distressing representation, as I feel that my duty to my insulted Government requires of me to state fully, that the promises made to me on Monday, and repeated in writing on Thursday, have proved of no value. I intend, in consequence, to send off the *Magnet* Packet immediately with this unexpected intelligence.

I have the honour to renew, &c.

His Excellency Viscount de Santarem, (Signed) C. A. MACKENZIE.
&c. &c. &c.

*Enclosure 3 in No. 16.**Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)*

Sir,

Palace of Queluz, 20th August, 1830.

HAVING conveyed to the knowledge of the King, my Master, the Despatch you addressed to me, dated the 17th instant, containing the Instructions which his Excellency the Earl of Aberdeen, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, transmitted to you, for the purpose of demanding the delivery of the four Vessels lately captured by the Portuguese Squadron blockading the Island of Terceira; the dismissal from the command of the Commanding Officer of the *Diana* Frigate, and the indemnification for the losses and damages, in case it should appear that there was no just motive for their capture; His Majesty, always desirous to shew to His Britannic Majesty

that he never will approve of any proceeding which may not be founded on justice, much less to maintain any violence against the Subjects of a Nation so closely allied with Portugal, by ancient and uninterrupted Treaties from the most remote times, has resolved to accede to the said demand, and to direct the necessary Orders to be issued this day for the immediate delivery of said Vessels, reserving, however, the right, according to the Laws of this Kingdom, to have sentence passed thereon in the Superior Court, and which alone can decide on the legality or illegality of the Capture.

I have the honour to be, &c.

C. A. Mackenzie, Esq. (Signed) VISCOUNT DE SANTAREM.
 &c. &c. &c.

Enclosure 4 in No. 16.

C. A. Mackenzie, Esq. to Captain C. Napier, commanding His Majesty's Frigate Galatea, in the Tagus.

Sir,

Lisbon, 21st August, 1830.

I HAVE great satisfaction in acquainting you that the Portuguese Government consents to liberate the Vessels detained so unjustly by the Frigate the *Diana*, off Terceira; and as it is important that no fresh difficulties should occur in the immediate execution of fitting the three remaining Vessels for Sea, I take the liberty of requesting that you will consent to remain with His Majesty's Frigate under your command, in the Tagus, for a few days longer.

I feel great confidence in making this request to you, from the tenor of Lord Aberdeen's instructions to me on the subject, and likewise feel assured that the assistance you may be pleased to order for aiding the Masters of the Vessels to overhaul their cargoes and replace their rigging, will be duly appreciated by His Majesty's Government.

I have the honour, &c.

Captain Napier. (Signed) C. A. MACKENZIE.

No. 17.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received September 11.)

(Extract.)

Lisbon, 25th August, 1830.

SINCE I had the honour of writing to your Lordship by the *Magnet* Packet, on Saturday last, the requisite orders (after singular delays) were given, and put in execution, for delivering to me the three detained Vessels, and the Masters were at the same moment put into possession of them; the previous plan of examining their cargoes has been abandoned; the Custom-House seals had been put on some of the hatches, and the English seamen left on board of each Vessel, reporting all safe; no more can be done here than taking the cargoes as they are, the great time and expense requisite to examine them would be lost; the Seamen from the Frigate have rendered the necessary assistance, and the Vessels are so far ready for sea as to enable Captain Napier to sail for Portsmouth to-morrow morning early.

The *St. Helena* sailed yesterday morning, but I fear that the cruel delays, in giving up the Ship's papers, will prevent any one of the three Vessels starting to-morrow. I have been twice a-day entreating to have these necessary documents restored to me, and likewise requiring that a supply of anchors

and cables should be furnished to two of the Vessels, to replace those lost, while they were in the possession of the Portuguese Officers, if they do not give what is absolutely wanted immediately, a purchase of anchors, &c. must be made for Portuguese account. I regret very much that the Captain of the Frigate is thus disappointed of taking the three Vessels with his Frigate from the Tagus.

I thought it my duty to address a Letter to Viscount de Santarem on the passages of his Note to me, about the dismissal of the Commanding Officer of the *Diana*, and the examination of the four detained Vessels. I have the honour to transmit a Copy of the same to your Lordship.

I have the honour, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

Enclosure in No. 17.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Sir,

Lisbon, 22d August, 1830.

AS your Excellency's Note of yesterday's date, stating to me the intended release of the British Vessels, only reached me in time to be copied and translated before the departure of the Packet, it was not in my power to observe to your Excellency before this morning, that there exists (I imagine) in this Note a very material difference respecting the dismissal of the Commanding Officer of the *Diana*, from the expression used in the Earl of Aberdeen's Despatch to me on this part of the subject, which requires, as I have had the honour of writing to your Excellency before, "You will further demand *the dismissal of the Officer* commanding the Portuguese Frigate, *Diana*, as a just punishment, &c. &c. &c.;" but it appears to me, that by your Excellency's expressions in your Note, "The dismissal from the command of the Commanding Officer," &c. the said dismissal is not complete, which I hope will be enforced, as it forms one of the most prominent features of the unfortunate transaction, and is so positively required by my Government.

As to the future investigation of the cases, I can only observe to your Excellency, that the *passage* in Lord Aberdeen's Letter alluded to, was given as a direction for my conduct only, to investigate such cases as was an easy task, when their papers, their characters, and their cargoes bore such convincing proofs, that the destination of the Vessels was for distant Ports, and that there could not exist *even a suspicion*, that the Island of Terceira, blockaded or not, could ever offer the least temptation or inducement to alter the course of the lawful pursuits of the said Vessels.

Permit me to observe to your Excellency, that the Parties concerned will not allow me one moment of tranquillity until the three Vessels are released. I hope this will be effected to-morrow morning.

I beg leave to renew, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 18.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received September 11.)

(Extract.)

Lisbon, 26th August, 1831.

AFTER I had written my Letter, of yesterday's date, to your Lordship, Captain Napier, and the Masters of the three Vessels, called on me to say they were ready for sea, but that they could not proceed on their voyages without the Ship's Papers. I instantly wrote a Letter, and sent their Protests to this effect, to the Minister of Marine; and I have this morning written again on the subject of this unexpected and provoking injustice to Viscount de Santarem. The annexed Copies of my Letters, which I have the honour to transmit to your Lordship, will suffice to prove how anxiously I represent the grievance, and claim that which is so unjustly withheld and denied to us.

I shall immediately intimate to Captain Napier, that the responsibility of keeping His Majesty's Frigate here any longer is too weighty for me; and as he can give no more assistance, he may sail to-morrow morning.

I have the honour to be, &c.

Lord Dunglas,
 &c. &c. &c.

(Signed)

C. A. MACKENZIE.

*Enclosure 1 in No. 18.**C. A. Mackenzie, Esq. to the Duke de Cadaval, Minister of Marine.*

Sir,

Lisbon, 25th August, 1830.

I TAKE the liberty of addressing your Excellency in my urgency to save time, as Viscount de Santarem informed me personally, yesterday evening; that he was to spend a great portion of this day in official duty at Queluz.

My duty to my Government imposes on me the necessity of thus intruding on your Excellency, and stating, that although the Portuguese Government have given up the four British Vessels detained off Terceira, in compliance with the wishes of the British Government, these Vessels cannot proceed to sea without their Official Papers. The Masters of the Vessels have drawn up a declaration to this effect this morning, which I have the honour to annex; and Captain Napier of His Majesty's Frigate, *Galatea*, is so sensible of their misfortune and ill treatment, that he consents to postpone his departure till Friday morning, in the hope that your Excellency will have the goodness to order the delivery of these important Documents, which can only be of use to the Vessels they relate and belong to. I beg leave to add, but with all the respect I feel for your Excellency's high station and character, that the British Vessels must still be considered at the responsibility of the Portuguese Government, and their expences here must continue chargeable to Portuguese account.

By a Letter from Viscount de Santarem of this morning's date, I find that your Excellency directs that the anchors and cables put on board the detained Vessels, may remain there; but unfortunately they are not fitted for the size of the Ships; and I entreat that your Excellency will have the goodness to order a supply of other anchors and cables, to replace the losses of the same, while the Vessels were in Portuguese possession, or that proper sets may be purchased here for the account of the Portuguese Government.

I have the honour to be, &c.

The Duke de Cadaval,
 &c. &c. &c.

(Signed)

C. A. MACKENZIE.

Enclosure 2 in No. 18.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Sir,

Lisbon, 26th August, 1830.

YESTERDAY morning the Captain of His Majesty's Frigate, and the Masters of the three detained Vessels, called on me to report that they were ready to go to sea, but presented to me two protests against doing so, until the registers and papers belonging to the Vessels were restored to them; these documents are acknowledged to be in the possession of your Excellency's Government, and it is absolutely necessary that they should be instantly given up to the lawful Claimants.

As I was aware that your Excellency was at Queluz yesterday, I took the liberty, in the pressure of time and of my duty, to address these Protests and a Letter on the subject to His Excellency the Duke de Cadaval, Minister of the Marine.

I find that it is impossible that the Vessels can sail for their destined Ports without their papers. The *St. Helena* was in a different position; a certificate from me would suffice for her papers, as she belongs to the East India Company, goes to London direct, *and has no cargo*. But the three Vessels are on trading voyages, their papers contain their Registers, the specification of the various consignments on board, their valuable and mixed cargoes cannot be delivered, valued, or received, without the original documents by which they were put on board; this is so clear and evident to any man of business or intelligence that it need not be repeated. I intreat your Excellency to assist me, or I must dispatch the Frigate to-morrow, to inform my Government of the renewed injustice done to these British Subjects.

These British Subjects have suffered enormously, two months unjustly detained by the Portuguese Squadron and Government, their cargoes injured, their anchors and cables lost, some of their sails cut in pieces and sold, their cordage cut and damaged, their Crews cast ashore and left to my assistance, their papers taken from them, and refused when imperiously required, a large pecuniary compensation must be made to them; but these injuries never can be repaid or forgotten. I wait with impatience for some satisfactory answer from your Excellency.

His Excellency Viscount de Santarem,
 &c. &c. &c.

I profit, &c.

(Signed)

C. A. MACKENZIE.

No. 19.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received September 13.)

(Extract.)

Lisbon, 28th August, 1830.

HIS Majesty's Frigate was not able to get off from her anchorage on Thursday afternoon, wind and tide being against her after three o'clock, when I left my Despatches with the Captain.

As I fear the Copy of my last Letter to Viscount de Santarem should have been accompanied by the Copy and Translation of His Excellency's previous Letter to me, proposing passports or certificates in lieu of the Ship's papers, which are so unjustly and unceremoniously refused after my repeated applications for them, I annex what was omitted in the hurry of writing my Letter to your Lordship.

On board of the *Margaret* from Rio de Janeiro, there was a Portuguese Trader (of respectable family here) who had taken his passage to Hamburgh, and had shipped a small portion of the Cargo at Rio on his own account. This Person was arrested on the arrival of the detained Vessels, and put in prison at Belem. As he is a Subject of the Government, I answered the many applications made to me about his cruel treatment, that I could not feel authorized to demand his release. Since then I have stated the circumstance to Viscount de Santarem, leaving the further consideration of the subject to his liberality and sense of justice; the young Man is liable to be sacrificed to the misfortune of Portuguese Cruizers taking British Vessels improperly, which are since restored; but ruin attends this harmless Individual, because the authority of the Government over him is absolute. I am very much mistaken if it could be thought proper for me to have said any more on the subject. The Government has a hundred ways of bringing charges against any Individual they please, and a Foreign Agent is easily silenced when the word Portuguese Subject is pronounced. The father of the young man appears satisfied. I could do no more.

I am very happy to inform your Lordship, that the Ship's Papers have just appeared, with Letters from the Duke de Cadaval and Viscount de Santarem, which shew that my address to them had some effect. I have the honour to forward to your Lordship the originals. I hope the Vessels will get off by this evening's tide, and so far close a very troublesome business, which has not been accompanied by any single advantage to any Party whatever.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

P. S. Saturday Evening.—I have just seen Viscount de Santarem, who asked if there was an end to my many applications about the four Vessels. I replied there were more than I wished: first a reply about the dismissal of the Commanding Officer was necessary, and many etceteras, when his Excellency observed that the Officer was *only* to be removed from the command, and not to lose the uniform, I suspected I said as much from his Letter to me.

C. A. M.

Enclosure 1 in No. 19.

Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)

Secretary of State's Office for Foreign Affairs,
25th August, 1830.

VISCOUNT de Santarem has the honour to present his compliments to Mr. Mackenzie, and to acquaint him that he has just received from the Minister of Marine an intimation that he has issued the necessary Orders to the Port Admiral, to leave to the English Ships the cables and the anchors that are on board of them, and to deliver the Papers belonging to the same which were on board the *Diana*. But this Minister fears that the said Papers may be annexed to the pleadings which cannot be mutilated, but may be substituted by Passports which would be granted to them here.

Viscount de Santarem renews, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

*Enclosure 2 in No. 19.**The Duke of Cadaval to C. A. Mackenzie, Esq.—(Translation.)*

Sir,

Lisbon, 27th August, 1830.

ON the receipt of the Letter which you were pleased to address to me the day before yesterday, I immediately gave orders to the Major-General, to replace by others more suitable, the anchors and cables of the Vessels *Margaret* and *Velocity*.

While sending you the papers belonging to the *Amelia* and *Velocity*, I regret, Sir, not to be enabled as speedily to convey to you those claimed by the Master of the *Margaret*, because they are still at the Island of St. Michael's, forming documents in the pleadings which are not as yet finished.

I request you, Sir, to accept, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

(Signed) CADOVAL.

*Enclosure 3 in No. 19.**The Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)*

*Secretary of State's Office for Foreign Affairs,
27th August, 1830.*

THE Viscount de Santarem has the honour to present his compliments to Mr. C. A. Mackenzie, and to acquaint him in reply to his Note of yesterday's date, that the Minister of Marine has issued the convenient orders for the delivery of the Ship's papers claimed, which have been found annexed to the pleadings transmitted from the Island of St. Michael, judging, however, that those of the Ship *Margaret* have not yet arrived. Orders have been issued in like manner about the anchors and other objects.

Viscount de Santarem profits, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

No. 20.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received September 17.)

(Extract.)

Lisbon, 4th September, 1830.

THE detained Vessels went off on Sunday and Monday. The Pilots who conducted them to sea, have applied for their allowances at this Office, but they were directed to look to the Admiral of the Port as their Paymaster.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 21.

John Backhouse, Esq. to C. A. Mackenzie, Esq.

Sir,

Foreign Office, 8th September, 1830.

I AM directed by the Earl of Aberdeen to acknowledge the receipt of your Despatches to the 21st ultimo inclusive, and to express to you his Lordship's satisfaction at the general result of the application which you have been instructed to make to the Portuguese Government for the restoration of the four Vessels detained by the Blockading Squadron off Terceira.

Adverting however to some of the expressions used by M. de Santarem in the Note of the 20th of August, in which he announces to you the decision of the Portuguese Government on this subject, Lord Aberdeen thinks it necessary that you should distinctly apprise M. de Santarem, in order to obviate all future misunderstanding, that although His Majesty's Government cannot object to any reference of the subject which the Portuguese Government may think proper to make to their own Courts of Law, they cannot accept any qualified promise of compensation, but will hold the Portuguese Government responsible for the full and equitable indemnification of the owners of the detained Vessels for all the losses and damages sustained in consequence of the unjustifiable proceeding of the Portuguese Squadron. The amount of such indemnification, to which the parties may be equitably entitled, will, of course, form the subject of future communications.

I am further directed by His Lordship to instruct you to require that the dismissal of the Captain of the *Diana*, and the cause of it, should be notified by the Portuguese Government in the most public manner.

I have, &c.

C. A. Mackenzie, Esq.

(Signed)

JOHN BACKHOUSE.

&c. &c. &c.

No. 22.

C. A. Mackenzie, Esq. to John Backhouse, Esq.—(Received September 21.)

(Extract.)

Lisbon, 11th September, 1830.

I HAVE been assured that the Juiz de Fora, at Figueira, has been removed from this Office, which was promised to me some time ago by Viscount de Santarem, as the only way of checking the incivilities and petty warfare existing against the English Residents there. I cannot, however, procure yet the order for Mr. Laidley's return to his family there.

I have the honour to be, &c.

John Backhouse, Esq.

(Signed)

C. A. MACKENZIE.

&c. &c. &c.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received October 6.)

(Extract.)

Lisbon, 18th September, 1830.

I HAVE received a Letter from the Vice-Consul at Figueiras, stating that the Juiz de Fora, and some armed men, went to the premises of a Mrs. Bayley, the widow of an Englishman, but Portuguese born; on the premises, or adjoining, is a magazine stated to be British, which the Magistrate desired to be opened. The Acting Agent, William Snellgrove, refused for some time, stating that he was a British Subject, but then gave up the keys. For this attack he has complained. I sent his Letter to Viscount de Santarem, and had yesterday the Report made by the Juiz de Fora, on the subject, read to me by his Excellency, by which it appears that the said Englishman was not known to be such, from his neglect of not being properly registered at Figueira. I trouble your Lordship with this, and many other similar matters, as they may otherwise reach the Office in the exaggerated relations of the many discontented Parties here. I have desired enquiry to be made at Figueira into all the circumstances of the case.

The displacing of the Judge Conservator at Oporto meets many obstacles. Mr. Crispin reported to me, that the convened Meeting of the Merchants produced only a resolution to find him culpable, and that I was to apply to the Government to remove him. I answered, execute Lord Aberdeen's directions, and send to me the name of the chosen Successor, and I can settle the business here. In the meantime, the Judge writes Letters to me, and to his friends in power here, saying, that he cannot support the disgrace of being dismissed by the English. I replied to him, that it was now too late, as the Secretary of State's orders must be complied with, and that he must be aware of the incompatibility of holding the office for the two conflicting Parties.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

John Backhouse, Esq. to C. A. Mackenzie, Esq.

Sir,

Foreign Office, 22nd September, 1830.

I AM directed by the Earl of Aberdeen to acknowledge the receipt of your Despatches to the 11th instant, inclusive.

Lord Aberdeen directs me again to address you on the case of the Schooner *Ninus*, whose Capture was reported in your Despatch of the 26th of June.

The seizure of this Vessel appears to have been quite as irregular and unjustifiable as that of the four Vessels which have formed the subject of your late remonstrances, to the Viscount de Santarem; and if His Majesty's Government had not entertained the confident hope that the *Ninus* would, long ere this, have been released, her restitution would have been demanded at the same time with that of those Vessels. You will, however, immediately recal the attention of the Portuguese Government to this subject, and demand that no further time shall be lost in bringing to a conclusion the case of this Vessel, which, as far as His Majesty's Government are informed of the facts, ought never, in their opinion, to have been subjected to detention.

I am, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

(Signed) JOHN BACKHOUSE.

No. 25.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received October 12.)

(Extract.)

Lisbon, 25th September, 1830.

IN obedience to Lord Aberdeen's directions of the 8th instant, I delivered on Monday last an Extract of the Letter to Viscount de Santarem, respecting the dismissal of the Captain of the *Diana*, and the necessary payment by the Portuguese Government of the various charges which will be made by the Owners, &c. of the detained Vessels. I had previously addressed a few lines to his Excellency on these subjects, as my Letter of the 25th ult. to your Lordship would shew; a repetition from high authority is unhappily necessary with this feeble Government, as every expedient is resorted to, to procrastinate the execution of what is considered either trivial or important.

I inquired yesterday of his Excellency what answer he had for me on the subject. His reply was as usual, that the Council was to take the matter into consideration to-day; but I left to him no hope that delay would relieve his Government, as the conduct of the Portuguese Officers had been tyrannical and shameful.

I feel great pleasure in acquainting your Lordship, that the Admiralty Court here have confirmed the Sentence of the Portuguese Judge at St. Michael's, in favour of the release of the Schooner the *Ninus*. This second Sentence may prevent any further appeal, and when the *Ninus* is delivered up to the Captain, a statement will be ready, of the various charges attending the detention of the Vessel.

My correspondence with Figueiras is likely to terminate very soon. By a report from the Juiz de Fora, it appears that the Englishman holding the Magazine, and of whom I wrote last week, as being compelled to give up the keys of his establishment on the visit of the Juiz de Fora, was never known to the Magistrates as a *British Subject*. He could only speak of a Passport dated in 1810. The Government is determined to require that all Foreigners, desiring to *reside* in Portugal, must be registered in their districts; which practice is, I believe, in force in all other Countries.

I have at last succeeded in getting permission for Mr. Laidley to return to his Establishment at Figueiras. There has been an inquiry made into his character and behaviour, and the result does him very great credit.

The *Cygnets* Packet has not arrived, but is most anxiously looked for.

I have the honour, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 26.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received October 20.)

(Extract.)

Lisbon, 8th October, 1830.

I HAVE the honour to transmit to your Lordship a Copy and Translation of a Note sent to me by Viscount de Santarem, in answer to my previous application to his Excellency, on receiving the complaint of our Vice-Consul at Figueira, of the violent conduct of the Juiz de Fora, in requiring the keys of an English Magazine near Coimbra.

I mentioned the leading circumstances of this case to your Lordship in my Despatches of the 18th and 25th ultimo, and I have so frequently alluded to the many unpleasant scenes which have occurred at Figueira, that I trust your Lordship will see the necessity of bringing this tiresome correspondence to a termination.

The Portuguese Government require that Englishmen desiring to reside in this Country, should announce such intention to the Authorities of the Towns

or Districts, and that they should further take out their *Carta de Privilegios*; a document of such importance, that I wonder, as I wrote lately to the Vice-Consul at Figueira, that any person possessing or being entrusted with the property of others, should ever be without, more particularly at Figueira, where the commercial jealousies, disputes, and contentions have been existing for some years.

If Lord Aberdeen should be pleased to sanction these regulations they can immediately be adopted every where. The practice is nearly general in Lisbon already from the evident advantage derived: here however there are some Englishmen who declare they will shoot any Portuguese Officer or Magistrate who dares to approach their dwellings; and they, like the Complainant at Figueira, have not even a Passport to shew that they are known in this Country; and after ten years disturbances trust to the name of their own Country for extraordinary indulgences, and boldly to defy the usual authority of the Magistrates, when acting under the superior orders of their Government.

The dismissal of the Juiz de Fora, as promised by Viscount de Santarem to me, will, I trust, restore immediate tranquillity to a quarter where some Englishmen, as Mr. Laidley told me, have acted with the greatest impropriety.

I have the honour, &c.

Lord Dunglas,

(Signed) C. A. MACKENZIE.

&c. &c. &c.

P.S. I take the liberty of sending an old *Carta de Privilegios* to your Lordship merely for your perusal; and to observe that Viscount de Santarem's remark that the Magazines in question having been let to Portuguese Subjects is not denied by any Letter I have received from Figueira, after this statement was made known.

Inclosure 1 in No. 26.

Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)

Secretary of State's Office for Foreign Affairs, 24th Sept. 1831.

VISCOUNT DE SANTAREM having before him the Note of Mr. Mackenzie, dated the 15th instant, which accompanied a complaint made by W. R. Snelgrove, resident in Figueira, against a proceeding practised by the Juiz de Fora, on the 7th day of this month, in the magazine of a property belonging to Maria Amelia de Campos Belley, which are let to Joze da Costa Dinir, has the honour to reply to Mr. Mackenzie, that according to the Official Communications, which the Government has received in this respect, it appears that the said proceeding was made in consequence of a knowledge that various persons, enemies of the State, assembled in one of these magazines, where, in effect, evidences of it were found; and judging it necessary, for the benefit of the same proceeding, to examine the premises underneath the said magazine; at that moment an individual named William, Book-keeper to the English Consul, arrived, (who appears to be the Complainant) calling himself the Agent of the Owners of the magazines, endeavouring, under this pretext, to hinder the proceeding, and behaving to the Commander of the Escort which aided it with much insolence, provoking him, and making use of very inconsiderate expressions. By this exact and true exposition of the fact, Mr. Mackenzie will learn how unfounded the complaint in question is. Without entering into an inquiry whether the Owner of the magazines is or is not English, suffice that it is proved they are let to a Portuguese, for even in the case of the Owner being English, the privileges appertaining to her as such, can be of no advantage to the tenant, and consequently the said William was daring in trying to embarrass the proceeding, and much more so, by the manner in which he attempted to do it. To prove further the injustice of the complaint, it may be added to the above, that the cases of apprehension of individuals comprehended in the pronuncias of crimes against the State, are not only provided for in the Laws of the Kingdom, but are also declared in the VIIth Article of the Treaty of 1810.

Viscount de Santarem cannot refrain from pointing out to Mr. Mackenzie on this occasion, how desirable it would be that the Subjects of His Britannic Majesty should present, where necessary, the documents which prove their nationality, in order to prevent any person from unduly claiming to be considered as English, unduly to obstruct judicial proceedings.

Viscount de Santarem renews, &c.

C. A. Mackenzie, Esq.

&c. &c. &c.

Enclosure 2 in No. 26.

(Translation.)

DONA MARIA, by the Grace of God Queen of Portugal and of Algarves, &c.

I make it known to all to whom this Charter of Privileges shall come, that Ignatius Antonio Archer, of the British Nation, and a Merchant residing in the town of Figueira having proved before my Desembargador of Appeals in this Court of the Relação at Oporto, Joachim Joze d'Andrade e Silva, Judge Conservator to the said Nation, he in consequence has ordered these Presents to be granted to him, which being by the said Judge signed and sealed with the Seal of this Court, I order that it shall be executed in all its contents as it is ordered by the Statute Laws of the Kingdom, book the 1st, title 52, paragraph 9th, that the Privileges of the English shall be observed, as also by the last Treaties of Peace, by which said Privileges are confirmed. By the 10th and 11th Articles thereof, (1654) it is allowed to the said Nation to trade free and secure, and that if once the Duties are paid in a Custom House, they shall not be obliged to pay others in any other Custom House of these my Kingdoms, and they will enjoy the same Privileges and Liberties of Portuguese Subjects, notwithstanding their merchandize shall be loaded in British bottoms, this being determined by the Decree of the 4th July, 1557, and by Sentence of the Council of my Finances, agreeably to the said Treaties and Decree above referred to of the 19th August, 1658; and it was determined that the Royal Solicitor of the Island of Terceira should not oblige the British Subjects to pay Duties, and by the last Article of Peace, celebrated in the year 1654, and other Decrees, they are exempt from paying Decimas; four and a half per cent. and other Taxes on their Trades, and it is permitted to the said British Subjects the liberty of not paying any Duties of the provisions and chattels they shall swear are for their private use, and there being some dispute between the Consul of the said Nation and the Wine Contractor, it was determined by a Final Sentence of the Royal Court, the Solicitor of the same being present, that the wines which they should swear were for their own consumption, should be given to them free, which resolution has been put in practice by order of the Royal Council of my Finance. And by the same Privileges they are exempt from the jurisdiction of the Senate, as determined by the Sentence of the same Senate, which declared their Conservator was to liberate them from all violence, calling to his Court the proceedings, and in the same manner they are free from the jurisdiction of all Judges, whether in their civil or criminal causes, according to the IIIrd. Article of the Treaties of Peace, ordered to be observed by the Decree of the 3rd August, 1657; and they are exempt from being guardians to any persons against their will, and they have an *Apozentadoria passiva* to protect them from being turned out of their residences, and are free from all charges and services of war, and they can mount on mules with a saddle and bridle, and carry offensive and defensive fire and other arms by night and day, not using them in an improper manner, they are not to be put in irons, nor tortured but in case of murder; for by a Decree of Philip the Second, my predecessor, it is to them so permitted, that in case of being arrested they shall be kept prisoners in their own houses under *homenagem*, which has been determined in the said manner, and in their business they shall be favoured, and in their houses no

visits shall be made, nor be arrested without order or sanction of their Judge Conservator. And the Officer that shall act to the contrary will incur the penalty of fifty crowns towards the Royal Hospital of All Saints, and in twenty for the aggrieved party. And respecting Seamen that come in their Vessels, their Masters shall not be obliged to pay them more than half their wages and the other half shall be paid in England, as it has been ordered by Royal Decree, notwithstanding the Law to the contrary. And all these Privileges shall be enjoyed by their Factors and Servants to the number of six, (not being Spaniards) and in the same privileges it is declared that their Bailiff only shall arrest them, and not by his men, and that they will enjoy all the present and future privileges that may be granted to any other Nation in this Kingdom. In consequence I order all Justices to have the present Charter of Privileges executed in all its parts, and the Officer who shall act contrary thereto, and shall infringe any of the above Privileges, by these granted to the petitioner Inatius Antonio Archer, shall moreover the above penalties, be imprisoned, and the Scrivener that shall accompany him will make an Act of it, forwarding it to the Scrivener that has subscribed the present, all which you will execute. The Queen our Lady has ordered it, through Doctor Joaquim Joze de Andrade e Silva, of her desembargo and her Disembargador of Appeals in this Court of the Relação, at Oporto; and in the same and its districts Judge Conservator to the British Nation, subscribed by Laurenço de Barros Pereira, Citizen of this Town, and Scrivener to the said Conservatorial Court, by the same Queen, on the 19th of January, 1781, &c. &c. &c.

No. 27.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received October 20.)

My Lord,

Lisbon, 8th October, 1830.

ON Tuesday last I had the honour of receiving Lord Aberdeen's directions to address Viscount de Santarem, on the cruel delay in settling the case of the Schooner *Ninus*, and I then imagined, that for once, I might omit the performance of such commands, as the Court of Admiralty had confirmed the Sentence of the Judge at St. Michael's, on the Vessel in question, by which her capture was declared illegal; but I yesterday discovered, that in no single case is it allowed here to have any business whatever settled without repeated applications and as frequent disappointments. The *Ninus* is to be tried over again. The Admiralty Court has sanctioned the Appeal of the Captors, on its own confirmatory judgment; and the Vessel will be, I fear, a total wreck before her fate can be decided.

In consequence of the above decision, I wrote yesterday a formal Letter to Viscount Santarem on the subject, and sent to his Excellency a Copy of the Instructions given to me on the case.

I have the honour, &c.

Lord Dunglas,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 28.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received November 6.)

(Extract.)

Lisbon, 23d October, 1831.

I REGRET to inform your Lordship that I have received a Letter from Mr. Norton, the Deputy-Consul at Vianna, complaining of a forced visit from some Royalist Volunteers, and of his having been obliged to surrender to

them a Gentleman, who gained admittance (without his knowledge) into Mr. Norton's house. He likewise enclosed a complaint of the Vice-Consul of Caminha, relating to a more violent breach of privilege, on the part of the Authorities of the place, who entered the house of a British functionary, without such apparent evidence to sanction them.

On the receipt of these Letters I addressed Copies of them to Viscount de Santarem, requiring an immediate enquiry into the causes of these violent proceedings, and requesting that orders should be strictly given to respect the privileges of all classes of British Subjects. A week or ten days may produce an answer to the official enquiries now ordered. I shall minutely attend to the nature of such answer, and in the mean time lay Copies of the Letters received from Mr. Norton before your Lordship.

Saturday evening.—I have just seen Viscount de Santarem, who has so often disappointed me about the dismissal of the Commanding Officer of the *Diana*. His Excellency says that it is to be dispatched on Monday next, which I doubt being the case. I pressed the importance and the necessity of performing what was required, and what has been so often promised. Do it they must, I assured His Excellency; and I shall write a Note to him on Monday, to prove that if it is so improperly delayed the fault is at his door.

I have the honour, &c.

Lord Dunglas,
&c. &c. &c.

(Signed)

C. A. MACKENZIE.

Enclosure 1 in No. 28.

Mr. Norton to C. A. Mackenzie, Esq.

Sir,

Vianna, 14th October, 1830.

I AM sorry to have occasion to trouble you with the following complaints, but consider that you should be informed of the occurrence, in order that measures may be taken to prevent the repetition of a similar insult towards any of His Britannic Majesty's Subjects, or other persons entitled to British privileges.

On the 12th instant, at nine o'clock in the morning, (in consequence of a person, said to be implicated in politics, passing from the adjoining houses to mine, through the garret-window, unknown to me) my house was suddenly entered, without competent authority or my permission, by an Ensign and four Royalist Volunteers. The Officer ordered me to accompany him as a prisoner, but desisted on the interference of the Adjutant of the Corps of Royalist Volunteers in this town, who said that I was not to blame in the casual entry of the implicated person. To prevent popular tumults, I considered it prudent to deliver up the Gentleman who had taken shelter in my house, his entry having been witnessed by a considerable number of persons assembled around the spot.

The enclosed is an exact Copy of a Letter which I received, on the 12th instant, from the British Vice-Consul at Caminha, complaining of the infringement of his privileges.

I sincerely hope that your endeavours may be able to prevent a recurrence of such irregular proceedings.

I have the honour, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

(Signed)

ROBERT W. NORTON.

*Enclosure 2 in No. 28.**Mr. Joze Pereira Torres to Mr. Robert Norton.—(Translation.)*

Sir,

Caminha, 10th October, 1830.

YOU already know that in November, 1828, my house was attacked twice, and that two strict searches were made in it, without any compromised person having been found there; and on the 30th ultimo, another most rigid search was therein made with the same result, to promote the object of which I freely exposed to view every corner of my house. The two first were made, one at day-break in the morning, the other in the night time, by an Ensign of Militia and some soldiers of his Regiment, all persons unknown to me, without the attendance of any Authority of this Town, and the last search was effected by the Juiz de Fora and troops in garrison here, without paying any attention to my privileges as His Britannic Majesty's Vice-Consul in this place.

My conduct, I believe, is that of an honest and quiet man, and I not deny that it may be fairly investigated by an upright Magistrate, and I trust in a few days to be able to prove by documents, my assertions. I never declined receiving the Military billeted on me (from which I should be exempted) and this year when a quantity of Indian corn was requested of me for the public service, I immediately delivered it, (from which I might also have claimed an exemption) and I was one of the first inhabitants of this Town, who voluntarily came forward and contributed to supply the wants of the State with what I could afford, and perhaps there were not four persons here who gave more. Such being my conduct, why am I to be so many times incommoded, and my house exposed to be ransacked, at the pleasure of any malicious person? and what advantage do I derive from being His Britannic Majesty's Vice-Consul, without any salary, in a Sea-port, and a thoroughfare where my office subjects me to the payment of many contingent expences out of my own pocket.

Perhaps many of the inconveniencies I suffer, may be attributable to my having a Son-in-law who is compromised, falsely as I hope to show, and I beg to lay this statement before you, as I am resolved, rather than endure longer these vexatious proceedings, to remove with my family to some other Country where I can live peaceably; but I will not put this project into practice, until I learn your opinion upon it, reminding you that I have been many years the British Vice-Consul here, and have always behaved with that dignity and honour which become my Office.

In hopes of receiving your instructions, I am, &c.

(Signed) JOSE PEREIRA TORRES.

Mr. Robert Norton.

No. 29.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received November 8.)

(Extract.)

Lisbon, 30th October, 1831.

HAVING been disappointed again on Monday last, by not receiving from Viscount de Santarem any communication respecting the dismissal of the Commanding Officer of the *Diana*, according to his Excellency's frequent promises, I wrote a Letter on the subject to him, and have now the honour to transmit a Copy of it to your Lordship.

The *Cygnets* Packet has just arrived, and I am honoured by your Lordship's Despatch of the 22nd instant, by which I am happy to perceive that Lord Aberdeen approves of what was submitted to his Lordship, respecting the pro-

priety of British Subjects taking out the requisite Documents to prove at once their nationality, and the extent of the privileges granted to them by the Treaties with this Country. I mean, in consequence, to address a few lines on Monday next, to the different Consuls and Vice-Consuls to the above effect, and I imagine nothing more can be necessary to ensure the enjoyment of future tranquillity.

I have the honour to be, &c.

Lord Dundas.

(Signed)

C. A. MACKENZIE.

&c. &c. &c.

Enclosure in No. 29.

C. A. Mackenzie, Esq. to Viscount de Santarem.

Sir,

Lisbon, 27th October, 1830.

A PERIOD of ten weeks having expired since I had the honour of communicating to your Excellency the orders I had received from my Government respecting the dismissal of the Commanding Officer of the *Diana*, who had violated the respect due to British Officers and to the British Flag, and as your Excellency has not been able to state to me any progress, made in bringing the promise given in your Excellency's reply to my said Letter, to any final execution, I think it my duty not to defer any longer claiming a third time your Excellency's attention and interest to this subject.

The cruel conduct of this Portuguese Officer to the Officers of the *St. Helena* Schooner, in detaining the Vessel under such a vain pretext, as that of her being a Pirate, while the Commanding Officer showed his British Commission, and the Crew and Passengers were all British Subjects,—of his obstinate incredulity in refusing belief to evidence that was not only sufficient for any man of sense, but would be convincing to any inexperienced person in maritime affairs,—his audacious ill-usage in wresting the sword from the said English Commanding Officer,—his injurious and ungentlemanlike language to men of honour and character, over whom he had but an illegal superiority of mere force of arms for the time,—his wanton ill-treatment of the invalid Passengers, in separating them from the Medical Officer sent on board the *St. Helena* for their care and superintendence, are without any parallel in our period of political tranquillity. All these personal offences joined to the unjustifiable detention of three other British Vessels, that could not be even suspected of going into the Island of Terceira, have justly irritated the British Government, and your Excellency answered my former representations on the subject, with the assurance of your Government complying with the just and necessary punishment of the said Officer; but I have waited from week to week without any effort being made by the Portuguese Government to grant the promised satisfaction, and I request to know immediately from your Excellency, when the Portuguese Government intends to put their promise into execution, as the delay is a cause of additional disappointment. I can take upon myself to assure your Excellency in the name of my Government, that this promised dismissal from the Service, is *absolutely* indispensable.

I beg leave likewise to remind your Excellency, that a period of seven weeks has elapsed since I had the honour of addressing to you the Note of the money paid by me for the maintenance here of the British Seamen who were sent ashore so abruptly from the Portuguese Frigate, and other Vessels from Terceira; and as this expenditure was caused by the act of the said Portuguese Officers, I look to the repayment of the amount as a matter of course, secured beyond a doubt by your Excellency's promised engagement to repay the charges of the detained Vessels.

I beg leave to renew, &c.

His Excellency Viscount de Santarem.

(Signed)

C. A. MACKENZIE.

&c.

&c.

&c.

No. 30.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received December 1.)

(Extract.)

Lisbon, 20th November, 1830.

THE Maltese Subject, whose violent arrest and confinement in a dungeon, were likewise reported last week, has been put into the Limoeiro Prison, and is at liberty to see his friends there. My strong remonstrance against his ill usage has not been further answered, but I hope will be next week. When arrests night and day harass and torment a great portion of the community, and there is such just room for loud complaint, it is fortunate that the above Maltese is the only British Subject in the list of victims and sufferers.

I have the honour to be, &c.

Lord Dunglas,
&c. &c. &c.

(Signed)

C. A. MACKENZIE.

No. 31.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received December 10.)

(Extract.)

Lisbon, 25th November, 1830.

THE public mind here continues much agitated by the frequent and extensive arrests of whole families, nay even of carriage jobmen, who with drivers, mules, &c., have been all lately seized by the Police. No cause is known, and as I have not been favoured with seeing Viscount Santarem for nearly a fortnight, I know little that merits being reported to your Lordship.

I have, &c.

Lord Dunglas.
&c. &c. &c.

(Signed)

C. A. MACKENZIE.

No. 32.

C. A. Mackenzie, Esq. to Lord Dunglas.—(Received December 16.)

(Extract.)

Lisbon, 1st December, 1830.

I AM happy to inform your Lordship, that the Society here is relieved from the distress occasioned by the continued arrests of individuals by order of the Government. The Magistrates, and a particular Commission, have still the authority of acting in the same arbitrary manner independent of the Police. The excuse given is, that a plot was lately discovered to seize the person of Don Miguel at Queluz.

The Maltese British Subject, whose arrest and severe treatment I had the honour of reporting to your Lordship, has been at last put at the disposal of our Judge Conservator. I cannot discover any particular reason for the delay in granting to him this privilege; but I suspect the Intendant of Police, and even Viscount de Santarem, had not the power to order the release of any one imprisoned during the last three weeks. Although I addressed three Notes to His Excellency on the subject, and had his personal promises of redress, it was only last night that I received his written assurance of the requisite orders having been given, and this was only to avoid my sending, as I threatened, the full detail of the case for the information of Lord Aberdeen. As I hope the matter is left now to be treated after its own merits, the Copy and Translation of the above Note enclosed to your Lordship, may be sufficient.

My correspondence with Viscount de Santarem experiences an unusual delay; repeated applications for the dismissal of the Officer Commanding the *Diana*, and for the payment of the money advanced by me, are unattended to; and the sanction of the Government to the nomination of the new Judge Conservator at Oporto, and many other subjects are equally neglected.

I have the honour to be, &c.

Lord Dunglas.
&c. &c. &c.

(Signed)

C. A. MACKENZIE.

(Enclosure in No. 32.)

Viscount de Santarem to C. A. Mackenzie, Esq.—(Translation.)

30th November, 1830.

VISCOUNT de Santarem has the honour to present his compliments to Mr. C. A. Mackenzie, and to acquaint him that the most decisive orders have already been given to the Intendant-General of the Police, to have the British Subject Marcicano put at the disposition of the British Judge Conservator, to have the privileges which by Treaty are granted to him executed, and which execution it is His Majesty's desire to be maintained, and he has ordered them to be most rigorously observed.

Viscount de Santarem avails, &c.

C. A. Mackenzie, Esq.
&c. &c. &c.

No. 33.

Sir George Shee to C. A. Mackenzie, Esq.

Sir,

Foreign Office, 7th December, 1830.

WITH reference to the Despatches addressed to you on the subject of the four British Vessels unjustly detained in August last, by the Portuguese Squadron blockading Terceira, and more particularly to Mr. Backhouse's Despatch of the 8th of September last, in which you were informed that it was the determination of His Majesty's Government to make the Portuguese Government responsible for the losses and damage inflicted upon the Owners of those Vessels and of their cargoes, I am directed by Viscount Palmerston to transmit to you the accompanying Papers in support of the Claims of the Owners and Freighters of the Brig *Velocity*, those of the former amounting to £675 6s. 7d. and of the latter to £1,800 13s. 9d.

I enclose to you also Copies of the Reports of His Majesty's Advocate-General, and of the Correspondence with the Parties thereon, as well for your information and guidance in maintaining the legal points of the case, as that you may be enabled to convince the Portuguese Minister that these Claims have not been admitted without being duly sifted by His Majesty's Government.

In the Letter of the 15th November from Messrs. Newsam and Co. on behalf of the Owners of the Cargo of the *Velocity*, you will find the explanation given by them on a point regarding the damage sustained by the Cargo, which appeared to the King's Advocate to require further investigation.

Lord Palmerston is of opinion that the claim of the Owner to compensation for the loss of the skins in question, is fully established; and that such compensation must form part of the demand to be peremptorily made upon the Portuguese Government.

I have only further to add that Lord Palmerston desires you will take the earliest opportunity of stating these Claims to the Portuguese Government, and of insisting upon their liquidation, without any further delay; and that you will, at the same time, in decisive terms, give the Portuguese Minister to understand, that in the case of this Vessel, as well as of the others similarly situated, His Majesty's Government expect a punctual and strict fulfilment of the promise made in M. de Santarem's Note to you of the 20th of August last; and that consequently they mean to adhere to the determination to require ample indemnification for His Majesty's Subjects, as announced in the Despatch above referred to.

I am, &c.

C. A. Mackenzie, Esq.

(Signed) G. SHEE.

&c. &c. &c.

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(Enclosure 1 in No. 33.)

Mr. Brookes to the Earl of Aberdeen.

My Lord,

London, 19th October, 1830.

I BEG to introduce for your Lordship's consideration, my Claim against the Portuguese Government, and to offer you my thanks for the very prompt and effectual manner in which your Lordship was pleased to notice the insult offered to the British Flag, when my Brig *Velocity* under my command was seized and sent to Lisbon.

The accounts and certificates herewith are made up without any attempt at overcharge or unfair dealing. Indeed I have omitted many charges which ought to have been introduced for damage done to the hull of the Vessel, and I beg to leave for your Lordship's consideration *the remuneration I ought to have for the anxiety I suffered during the capture.*

The following Documents are enclosed to your Lordship :

No. 1. Copy of Protest.

2. Statement of my Claims.

3 to 7. Certificates and certified accounts.

Feeling that it will not be needful to enter into further explanation of the circumstances which gave rise to my claim,

I have the honour, &c.

The Earl of Aberdeen, K. T.

(Signed)

SAMUEL BROOKS.

&c.

&c.

&c.

(Enclosure 2 in No. 33.)

Messrs. Newsam and Co. to the Earl of Aberdeen.

My Lord,

9, Crescent, Minories, 30th October, 1830.

IN behalf of others who as well as ourselves were interested in the Cargo on board the British Brig *Velocity*, Captain Brooks, when seized and detained in the course of her voyage from Payta and Valparaiso to London, by the Portuguese Squadron off Terceira, and afterwards restored at Lisbon, through the intervention of His Majesty's Government, we venture to transmit through your Lordship, to the Portuguese Government, the enclosed documents, which shew that the loss incurred from this unjustifiable detention is £1800 13s. 9d. and which we have to claim from His Most Faithful Majesty.

As the whole particulars of the case have been so lately before your Lordship, we feel it unnecessary for us to enter into details in the present.

We only beg to say that if our claim is not made in the official form required, or if any further information can be given, we shall be most happy to supply it.

In the mean time, as the inconvenience already experienced, and the loss sustained is great, we earnestly hope your Lordship will be pleased to give this application your earliest possible attention.

We are, &c.

The Earl of Aberdeen, K. T.

(Signed)

NEWSAM & Co.

&c.

&c.

&c.

(Enclosure 3 in No. 33.)

*His Most Faithful Majesty Dom Miguel the First, King of Portugal, &c. &c. &c.**Dr. to F. Newsam & Co. and others.*

FOR loss sustained by them in consequence of the Seizure and Detention of the English Brig *Velocity*, Captain Brooks, bound on a voyage from Payta to London by the Portuguese Squadron off Terceira, as per annexed documents, viz.:

	Amount they would have produced.	Loss.
No. 1. On 2000 Seal Skins to F. Newsam & Co.	£1350 0 0	- £582 4 8
2. ... 1037 Ox and Cow Hides - -	683 13 9	- 162 9 0
3. ... 3570 Seal Skins - - -	2439 10 0	- 882 12 3
4. ... 265 Ox and Cow Hides - -	222 19 1	- 22 5 4
	<hr/>	
	£4696 2 10	£1649 11 3
Interest for 67 days, the time the Vessel was detained, being from June 22 to Aug. 28 on the amount the goods would have pro- duced but for that detention on £4696 2s. 10d.	} at 5° p.c. per Ann. £43 2 0	
		<hr/>
		£1692 13 3
No. 5. On Bullion to A. Gibbs & Sons, for Interest	£20 7 2	
6. Loss sustained by Mr. and Mrs. Shields, passengers - - - -	55 13 4	
7. Do. by Master Robins and Servant do. -	32 0 0	108 0 6
		<hr/>
		£1800 13 9

London, 30th October, 1830.

(Enclosure 4 in No. 33.)

Lord Dunglas to Messrs. Newsam & Co.

Gentlemen,

Foreign Office, 13th November, 1830.

I AM directed by the Earl of Aberdeen, to acknowledge the receipt of your Letter of the 30th ultimo, claiming on behalf of yourselves and others, Owners of the Cargo of the Brig *Velocity*, one of the Vessels which have been illegally detained by the Portuguese Squadron off Terceira, the sum of £1,800. 13s. 9d. from the Portuguese Government, for losses and damages sustained in consequence of the detention of that Vessel.

I am to acquaint you in reply, that His Majesty's Government having had under their consideration the accounts transmitted in your Letter, are of opinion that the principle upon which those accounts are made out is correct and proper, and such as would be recognized and sanctioned in the High Court of Admiralty in cases of restitution of neutral property, decreed with costs and damages; and as the difference between the prices realized by the actual sale of the goods, and that which they would have brought if they had arrived in due time, and in good condition, appears to be certified by respectable Brokers, there appears to be no objection to the demand in that respect; but His Majesty's Government feel some difficulty in arriving at the conclusion, that the

whole damage to the skins was occasioned by the detention of the *Velocity* by the Portuguese Squadron. The skins would probably have sustained some damage in the earlier part of the voyage ; and as it would therefore be scarcely just to throw the whole burden upon the Portuguese Government, Lord Aberdeen directs me to request that you will furnish him with some further explanation upon this point prior to any application on his part to the Portuguese Government, for indemnification for the losses occasioned to you by the detention of the *Velocity*.

Messrs. Newsam & Co.

I am, &c.

(Signed)

DUNGLAS.

(Enclosure 5 in No. 33.)

Messrs. Newsam & Co. to the Earl of Aberdeen.

My Lord,

London, 15th November, 1830.

WE have been honoured with a Letter, dated the 13th instant, from my Lord Dunglas, requesting in support of our Claims for losses and damage sustained by us and others through the detention of the *Velocity* by the Portuguese Squadron, some further explanation as to the probability that part of the skins might have received some damage in the earlier part of the voyage, and that in such a case it would not be just that the whole loss should fall upon the Portuguese Government.

In reply, we humbly beg leave to refer your Lordship to the Affidavit of the Captain, and part of the Ships' Crew, attached to the Protest, in which it is distinctly stated that they had examined the skins, had had them on deck, and repickled them but *a few days before their capture*, and that they were then all in good order ; of which we think there can be no doubt, even were it unsupported by this evidence, from the fact of their coming round the Horn in the winter season, and from the precaution taken of keeping wind-sails down both the forward and aft hatch-way, and having them on deck to repickle them whenever an opportunity offered.

The damage, your Lordship will observe from the Documents transmitted to you, is *affirmed* to have arisen solely from *heat*, and with the evidence attached, it does not, we submit, allow of the shadow of a doubt, but that all the damages sustained by the skins, was incurred *after* the detention, from which time, till released at Lisbon, she was lying in an excessive heat, with her hatches battened down ; and notwithstanding every remonstrance on the part of the Captain, as to the consequences, no steps were allowed to be taken to give the Cargo air.

Should your Lordship, however, be still of opinion, that the bare *possibility* (putting aside the improbability of the case, and the Affidavit of the Ships' Crew, which would be quite sufficient in itself to substantiate the loss at Lloyds) of some of the skins having been damaged prior to the seizure of the *Velocity*, might, when indemnification is applied for, by His Majesty's Government, occasion either cavil or delay on the part of the Portuguese Authorities ;—we beg to state, that, from the nature of the case, it is impossible to furnish further proofs upon the subject ; and that rather than such a question should be a bar to a speedy settlement of the greater claim, we would agree to any proportionate reduction of the loss, occasioned by the damage to the skins, being made, which your Lordship should think it right we should accept.

Returning our sincere thanks for the prompt attention this affair has, throughout, met with from His Majesty's Government,

We beg the honour of subscribing, &c.

The Earl of Aberdeen,
&c. &c. &c. K. T.

(Signed)

F. NEWSAM & CO.

No. 34.

C. A. Mackenzie, Esq. to John Backhouse, Esq.—(Received December 30.)

(Extract.)

Lisbon, 11th December, 1830.

I HAVE the honour to inform you, that our excellent Judge Conservator here has been able to make some amends for the tardy and vexatious manner in which the Portuguese Magistrates and Officers of Justice had treated Mercicano, the Maltese Subject, arrested several weeks past, for having more arms in his warehouse than had been reported to the Police on a late Order issued to that effect. The Judge Conservator examined into the accusations, heard the opposing Party, and liberated, in a very exemplary manner, the prisoner in the space of three days, which is a very singular and laudable instance of judicial despatch here, in these times of persecution, and consequent long imprisonment.

I received a Letter a few days ago from Viscount de Santarem, informing me that the Registers of the two Ships detained at Terceira, and afterwards liberated, were at the disposal of the Agent, and the *Margaret*, one of the Vessels, has just arrived here from Hamburg, happily to profit of the circumstance.

I have the honour to be, &c.

John Backhouse, Esq
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 35.

C. A. Mackenzie, Esq. to Viscount Palmerston.—(Received December 30.)

(Extract.)

Lisbon, 11th December, 1830.

MY usual weekly visit to Viscount Santarem every Friday, was yesterday deferred, by a Note from his Excellency, to this day, when our conversation commenced by his assurance that several objects, of our late Correspondence, on the subjects of daily occurrence here, had been satisfactorily settled by him this morning. When the Communications reach me, I shall not fail to report their contents for your Lordship's information.

I again repeated to his Excellency that he had almost exhausted the patience of the British Government, and had no title to calculate on the continuance of such extended forbearance.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 36.

C. A. Mackenzie, Esq. to Sir George Shee.—(Received January 4, 1831.)

(Extract.)

Lisbon, 23rd December, 1830.

BY the last Packet, I had the honour of receiving your Despatch of the 7th instant, accompanied by the numerous documents sent to me respecting the various sums of money to be claimed by me of the Portuguese Government, on account of the portion of the charges already made out and approved of, for the detained Vessels at Terceira. I hope to have these Papers copied by Monday next, when I shall forward them to Viscount de Santarem, according to the spirit of the directions I have received.

The Government here has afforded some satisfaction for the complaints made by the Vice-Consuls at Vianna and Caminha, (as was stated to Lord Dunglas, in my Letter of 23rd October last,) and the Minister of Justice has written twice to the Portuguese Functionaries, to pay every respect to the English Agents. Unhappily, the offenders were Royalists, and, of late, this class rule around them

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so haughtily, that a reproof from Dom Miguel's Ministers is not considered by them as entitled to the respect which the Orders of an absolute Prince should command.

I regret to state, once more, that Viscount de Santarem continues to treat my renewed applications for the dismissal of the Commanding Officer of the *Diana*, as was promised by his Excellency's Letter, with the same indecision or indifference. I take the liberty of drawing your attention, Sir, to this stubborn neglect, as the honour of the British Flag is concerned, and the fulfilment of the promises made by Viscount de Santarem can never, I imagine, be relinquished. I do not fail to point out this circumstance to his Excellency, and he yields to the justice of my observations, lamenting the obstacles made by some of his Colleagues, or by some more influential Agents, and I apprehend some new direction must be given to me, to prove that His Majesty's Government is as determined as formerly, not to allow a man so unworthy of any command, to escape unpunished for such a serious list of offences.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) C. A. MACKENZIE.

No. 37.

J. Meagher, Esq. to Sir George Shee.—(Received January 11, 1831.)

(Extract.)

Lisbon, 31st December, 1830.

ON the 29th instant, a Maltese Subject, named Francis Calleia, enjoying British privileges here, addressed to me a formal complaint against this Government, for having peremptorily and arbitrarily compelled him, under pain of imprisonment, to pay into the public depository, at an hour's notice, a sum of money equal to that which he had lately received from a Debtor of his, on a Bill of Exchange due to him, without even assigning any cause for this violent proceeding, thus, not only wresting from him the sum in question, but also depriving him of all legal claim upon his late Debtor, to whom he had given a judicial acquittance on receiving the amount of the said Bill. I deemed it my duty to forward this statement to Viscount de Santarem, entreating his Excellency's intervention to obtain redress for the injuries alleged to have been inflicted on this individual, and I shall not fail to acquaint you with the answer that I may receive on the subject.

I beg leave further to add, that this Government have delivered up the Certificates of Registry belonging to the British Brig *Margaret*, and the East India Company's Schooner *St. Helena*, to the Agent of these Vessels here. The above Papers had been detained at St. Michael's, when the Vessels were seized by the Blockading Squadron off Terceira, and had not arrived when they were liberated at Lisbon, but the delivery of them was promised on Mr. Mackenzie's application for them as reported in his Despatch of the 26th of August to Lord Dunglas.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) J. MEAGHER.

P. S. Since writing the above I have received from Viscount de Santarem the answer to my Note of the 29th, above referred to, respecting the case of Mr. Calleia, of which I have the honour to transmit to you a Copy and Translation.

Enclosure in No. 37:

The Viscount de Santarem to J. Meagher, Esq.—(Translation.)

*Secretary of State's Cabinet Office,
31st December, 1830.*

THE Viscount de Santarem presents his compliments to Mr. Jeremiah Meagher, and acquaints him, in reply to his Note of the 29th instant, that the necessary orders, which he yesterday solicited, are about to be issued on the disagreeable business in question, and the moment they are given he will inform him.

The Viscount de Santarem profits, &c.

J. Meagher, Esq.

&c. &c. &c.

CORRESPONDENCE WITH R. B. HOPPNER, ESQ.—1831.

LIST OF PAPERS.

	Page
No. 1. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 14 January, 1831.	1
No. 2. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 14 January,	— 2
No. 3. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 15 January,	— 2
No. 4. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 15 January,	— 3
No. 5. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 27 January,	— 4
No. 6. R. B. Hoppner, Esq. to Sir George Shee Lisbon, 4 February,	— 4
No. 7. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 11 February,	— 6
No. 8. R. B. Hoppner, Esq. to Sir George Shee Lisbon, 11 February,	— 6
No. 9. R. B. Hoppner, Esq. to Sir George Shee Lisbon, 12 February,	— 7
No. 10. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 16 February,	— 8
No. 11. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 19 February,	— 9
No. 12. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 21 February,	— 13
No. 13. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 24 February,	— 14
No. 14. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 26 February,	— 15
No. 15. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 26 February,	— 15
No. 16. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 5 March,	— 16
No. 17. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 7 March,	— 20
No. 18. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 10 March,	— 21
No. 19. Sir George Shee to R. B. Hoppner, Esq.....Foreign Office, 16 March,	— 23
No. 20. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 19 March,	— 24
No. 21. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 19 March,	— 25
No. 22. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 25 March,	— 25
No. 23. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 25 March,	— 27
No. 24. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 26 March,	— 28
No. 25. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 26 March,	— 32
No. 26. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 1 April,	— 33
No. 27. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 2 April,	— 34
No. 28. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 9 April,	— 40
No. 29. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 15 April,	— 41
No. 30. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 15 April,	— 42
No. 31. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 16 April,	— 49
No. 32. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 16 April,	— 49
No. 33. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 21 April,	— 50
No. 34. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 23 April,	— 53
No. 35. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 23 April,	— 54
No. 36. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 30 April,	— 55
No. 37. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 4 May,	— 59
No. 38. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 7 May,	— 66
No. 39. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 7 May,	— 68
No. 40. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 14 May,	— 69
No. 41. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 14 May,	— 70
No. 42. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 18 May,	— 70
No. 43. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 19 May,	— 72
No. 44. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 18 June,	— 72
No. 45. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 23 July,	— 73
No. 46. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 6 August,	— 82
No. 47. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 13 August,	— 84
No. 48. R. B. Hoppner, Esq. to Sir George Shee.....Lisbon, 20 August,	— 87
No. 49. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 25 August,	— 87

CORRESPONDENCE

WITH

R. B. HOPPNER, Esq.

1831.

No. 1.

Viscount Palmerston to R. B. Hoppner, Esq.

(Extract.)

Foreign Office, 14th January, 1831.

BUT as in consequence of the suspension of all diplomatic intercourse with the Portuguese Government, and there being, therefore, no Representative of His Majesty at Lisbon, you will, for the present, be charged with the duty of protecting British Subjects in Portugal, and of supporting their rights and privileges under existing Treaties between the two Countries, it becomes necessary to give you some instructions for your guidance in performing this part of your duty.

In adverting, therefore, to the state of Portugal, and to its relations with other Powers, I have to desire that you will be careful to avoid any appearance of interfering in any political questions relating to the internal affairs of that Country, and that you will observe, both in your language and your conduct, a strict neutrality between the Contending Parties into which the Nation is divided.

You will not fail, in the mean time, to inculcate upon all British Subjects in Portugal, the necessity of abstaining from all interference in its political dissensions, and to explain to them that they must abide by the consequences which might attend any violation, on their part, of the Laws of that Country. On the other hand, it will be your duty to keep active and vigilant watch to prevent any Subject of His Majesty, resident in Portugal, from being treated by any Portuguese Authority, in any manner sanctioned neither by the Treaties subsisting between the two Countries, nor by the general Law of Nations. In any instance in which the rights of British Subjects may be violated, you will forthwith make a prompt and energetic demand of redress, giving the Portuguese Government to understand, that His Majesty's Government will not permit such acts to be committed with impunity; and if, in any such case, redress should be denied or delayed, you will, without loss of time, transmit a statement of the facts to me for the consideration of His Majesty's Government.

I am, &c

R. B. Hoppner, Esq.

(Signed)

PALMERSTON.

&c. &c. &c.

No. 2.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 14th January, 1831.

I AM informed by Mr. Meagher, in his Despatch dated the 31st ult. that he has been called upon to use his intervention with the Portuguese Government, in behalf of a Maltese Subject named Francis Calleia, who had been compelled, under pain of imprisonment, to pay a sum of money into the Public Depository.

It appears further, from the contents of a Note from M. de Santarem, inclosed in Mr. Meagher's Despatch above referred to, that his Excellency has given directions respecting this case, though the purport of them is not precisely stated.

I have to desire that you will report to me whether redress has since been afforded to Calleia, and, if not, that you will lose no time in demanding that full restitution may be made of the sum illegally exacted from this individual.

I am, &c.

R. B. Hoppner, Esq.

(Signed)

PALMERSTON.

&c. &c. &c.

No. 3.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received February 2.)

(Extract.)

Lisbon, 15th January, 1831.

M. de SANTAREM having fixed upon this morning to receive me, I waited upon his Excellency, from whom I met with an affable reception; upon reading your Lordship's Letter, he assured me of his desire to render me every assistance, in the execution of my Office, that lay in his power, and of his anxious wish to put an end to the unpleasant state in which the relations between the two Countries had continued for some time past. I replied, that I was very happy to learn, upon my arrival here, that the greater part of the minor Cases which had arisen, had been already satisfactorily disposed of, and that I trusted there would be no difficulty with regard to the others: that the chief of these was the confirmation, by the Portuguese Government, of the Judge Conservator at Oporto, and the affair of the Captain of the *Diana*; that with regard to the latter, His Majesty's Government had set them an example in the promptitude with which they had conformed to their wishes, in the case of Lieutenant Jones, which I trusted they would not be backward to follow. M. de Santarem assured me that, in the former case, he had already sent the necessary Documents to the Minister of Justice, with a peremptory demand that it should be decided; he avoided, however, saying any thing explicit upon the other, neither did I expect he would, as I knew it to be one of considerable embarrassment to his Government, on account of the high protection which that Officer enjoys.

He expressed himself much gratified with this assurance; and I added, that the line which Great Britain would adopt with regard to Portugal, must depend, in a very great measure, upon themselves; that the most effectual means of conciliating the other Governments of Europe, would be to instruct their Officers to desist from those acts of aggression of which they had lately been guilty against the Commerce of other Nations.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received February 2.)

(Extract.)

Lisbon, 15th January, 1831.

I DEEM it my duty to submit to your Lordship the accompanying translated Extracts of a weekly publication issued in this Capital by permission of the Government, and printed in fact at the Royal Press, as being indicative of the violence of party feeling, and of the manner in which the passions of the people are worked upon by the prevailing faction here. The Journal, from the 10th number of which I have extracted these passages, was originally published by "authority" of the Government; the word "permission" having been substituted for "authority" upon the remonstrance of the French Consul, resident in Lisbon, against several passages contained in it of a most offensive nature to his Government.

The author of this Print is a Priest (an Augustine Friar) the instrument of the ultra Royalists, and as your Lordship will perceive, recommends, with the characteristic violence of his party, a general massacre of the Freemasons, that is to say, of every man who thinks differently from himself (for such is the comprehensive meaning of the word) as a proper and justifiable method of exterminating their political opponents; and he elsewhere suggests that they should commence by the unfortunate prisoners already in their power.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 4.

Extracts from a Periodical Journal called (O Desengano,) the Truth.

(Translation.)

TO combat the free masons, that is, the enemies of God, and of the human race, is a very necessary thing, but one which, at the same time, has become a matter of extreme difficulty. I would wish them to be exterminated as Wolves were in England; that is by killing them all in one general hunt. In England no more Wolves remained, for as they were things that eat without being of any profit, and therefore did not enter into the calculation of the interests of the Subjects of England, no one has chosen to take over there a couple of that useful stock; it was enough that they should be driven from thence. With so good a remedy in our power let us not suffer such Wolves to exist any longer in Portugal. True it is, that the diminished population of the Kingdom, of which they so loudly complain, would remain like a vineyard after the vintage, with a stray bunch to be found here and there, as the gleaners would carry off every thing, and the harvest is immense.

The idea of a general shooting is indeed original! We should see our balls bringing down, what the Jews saw in the desert, clouds upon clouds of Quails falling to satisfy their hunger—clouds of Freemasons dropping to the ground to satiate our desire and glut our appetite.

May God kill those who tolerate the Freemasons. The best expositors of the Scriptures have said, that when God determined to slay the first-born of Egypt, he sent the Archangel Michael to perform this operation, and that to relieve Jerusalem from its Besiegers, the Assyrians, the same Archangel was, in himself, the avenging army, who in one night slew 165,000 of these Assyrians—this Archangel is not dead—he yet lives, and may God preserve him for great deeds, and it is no small one to put an end, a complete end, to all Freemasons,—more impious than the Egyptians, and more barbarous than the Assyrians.

Is not Lafitte a money exchanger? would he wish to discount a bill,—it is better to let it alone, as he will derive no profit by so doing,—that time is gone

by. No, Sir, Mr. Lafitte is not a money changer, he is now the Manoel Fernandez Thomaz of France,*—the 24 letters of Hypolito, combatted and refuted in the “Espectador” declare precisely the same that has been said by Garret, Middosi (writers in favour of the Constitutional party, at present out of Portugal.) But I firmly believe that certain brutes called Cossacks, who reside in North Street, will not allow the scaffolding to be raised, and let the Architects† be convinced, that even in the distressed state in which we are, should they in punishment of their sins, dare to raise the first beam it will immediately serve as a strangling post for them—what a grand ornament to their Architecture.

There has been moderation in the imprisonments,—although the Gallows might go on, without having reason to be ashamed of its operations.

No. 5.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received Feb. 8.)

(Extract.)

Lisbon, 27th January, 1831.

I REMONSTRATED in strong terms against the journal published by Padre Macedo (some Extracts of which I have given in a former Despatch) the existence of which I declared to be as injurious to his Government, as it was insulting to common sense. With regard to this M. de Santarem fully concurred in the impropriety of the language used by the writer, and the bad effect it produced, acknowledging the truth of my assertion, that it kept the people, who might otherwise be disposed to tranquillity in a state of ferment, and where, as they might believe that every thing around them was peaceful and orderly, informed them of intrigues against the State, of which they might otherwise know nothing, and kept alive a flame which, if left to itself, might soon perhaps be extinguished. M. de Santarem, as I have said, did not deny this, merely endeavouring to satisfy me that the publication was not authorised by his Government, and when I refuted this by observing that, not only did it issue from the Government press, and with Royal Authority, but that in this Country every publication was subject to their controul, he contented himself with remarking, that it would be hard if they should not be allowed to defend themselves, when so many things were written and published against them.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 6.

R. B. Hoppner, Esq. to Sir George Shee.—(Received Feb. 13.)

Sir,

Lisbon, 4th February, 1831.

WITH reference to Mr. Mackenzie's Despatch, of the 12th November of last year, wherein it is stated that a third and final sentence had been passed in the Admiralty Court of this Country, in favour of the Schooner *Ninus*, detained and sent here for adjudication by the Terceira Squadron: I have the honour herewith to transmit Copies of a Letter which I have received from Mr. Gibbs, Master of the said Schooner, and of a Note which I addressed in consequence to the Viscount de Santarem.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

* This Manoel Fernandez Thomaz was the chief actor and promoter of the Revolution in Portugal in 1820.

† An Architect was hanged in Lisbon in 1817 for alleged Treason.

Enclosure 1 in No. 6.

Mr. William Gibbs to R. B. Hoppner, Esq.

Sir,

Lisbon, 27th January, 1831.

HAVING received a Letter from my Owner in Dartmouth, under date of the 18th instant, informing me that he had received information from Viscount Palmerston, dated 3rd December, 1830, that a final sentence had been given in favour of the Schooner *Ninus*, and wishing to know from me the reason that I am not put in possession, and remuneration made for all damages for her unjust detention, I beg to inform you that I have been waiting with great anxiety to receive an intimation through your office that the Vessel was given up, fully expecting that the Authorities would long before this have communicated with you on this subject, and am now compelled to state that they still keep possession of the Vessel and also of my private property, such as books, charts, quadrants, &c. &c. which I fear, before this, must be ruined. I have therefore to request your kind interference to obtain an order for the delivery of the Vessel, to enable me to reply and give satisfaction to my Owners, for the property entrusted to my charge.

I have the honour to be, &c.

R. B. Hoppner, Esq.

(Signed)

WILLIAM GIBBS,

&c. &c. &c.

Master of the Schooner Ninus.

Enclosure 2 in No. 6.

R. B. Hoppner, Esq. to Viscount de Santarem.

Lisbon, 28th January, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to transmit to His Excellency Viscount de Santarem the Copy of a Letter, which has been addressed to him by Mr. William Gibbs, Master of the British Schooner *Ninus*, detained and sent into this Port by the Blockading Squadron, off Terceira.

The injustice of this Vessel's detention has already been recorded, by the sentence of two Tribunals of this Country, and acknowledged by his Excellency, as appears by a Note of Mr. Mackenzie, under date, 7th October, wherein he refers to an assurance he had received from his Excellency, that orders had in consequence been issued for her immediate liberation.

His Excellency Viscount de Santarem is already acquainted with the opinion of the Earl of Aberdeen, that this Vessel ought never to have been subjected to detention, and that if His Majesty's Government had not at that period entertained the confident hope that she would long since have been released, her restitution would have been demanded at the same time with that of the four Vessels claimed and restored. That the British Government conceived, in fact, that orders to this effect had been already carried into execution, is apparent from the accompanying Letter, wherein it is stated, that upon application from the Owners to His Majesty's Secretary of State in London, for the intervention of the British Government on her behalf, Lord Palmerston had replied to them that a final sentence had been given in her favour, and the Vessel accordingly restored, and so convinced was the Undersigned that this was the case, that perceiving the Vessel still lying here, since his arrival in Lisbon, he had conceived the erroneous notion that this was entirely owing to neglect on the part of the Master to resume possession, or to some mistaken idea on his part as to the manner in which this should be effected. It was, therefore, with no small surprize that the Undersigned learnt, as well from the Master as from the Consignee of the *Ninus*, and now clearly perceives from the accompanying Letter, that the delay has originated entirely on the part of the Portuguese Authorities, who continued to detain the Vessel without respect for the decision of their own Tribunals, or regard for the rights of British Subjects. It is with considerable regret that the Undersigned finds himself imperiously called upon again to bring this Case before his Excellency

Viscount de Santarem, and to represent to him the evil effect which a knowledge of the detention of the *Ninus* cannot fail to produce upon the minds of the British Government, so contrary to the just expectations they had entertained, from the information which had already reached them respecting the previous decision of the Portuguese Government. In doing so he cannot but earnestly recommend the immediate liberation of this Vessel, and the issue, without further delay, of the necessary orders to the Officer in possession of her to restore her to her lawful owners. He is still willing to flatter himself that the delay which has hitherto occurred, is attributable to some mistake on the part of these Officers, as to the orders said to have been issued to them, and he, therefore, trusts his Excellency Viscount de Santarem will immediately make this circumstance known to the proper Authorities, in order that no further pretext may exist for her continued detention.

I have the honour to be, &c.

His Excellency Viscount de Santarem,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 7.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received Feb. 25.)

(Extract.)

Lisbon, 11th February, 1831.

IN the interview which I have just had with the Viscount de Santarem, he earnestly requested me to express to your Lordship the satisfaction with which his Colleagues had learnt the positive instructions sent to me to avoid on my own part, and to prevent in the English Residents here, any interference in the political contest now pending in this Country, and was anxious that your Lordship should be informed of the strict injunctions which he said had been given in consequence to all their Magistrates, to pay every regard to the rights and privileges assured by Treaty to British Subjects.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 8.

R. B. Hoppner, Esq. to Sir George Shee.—(Received Feb. 25.)

Sir,

Lisbon, 11th February, 1831.

I HAVE the honour to transmit to you, for Lord Palmerston's information, the Copy of a Note which I have addressed to his Excellency Viscount de Santarem, requesting his attention to the Claims which were some time since submitted to him for compensation for the loss sustained by the owners and freighters of the Ship *Velocity*, detained by the Terceira Squadron; as also by the Warrant Officers, passengers on board the *St. Helena* Packet. There is likewise another demand for money advanced in support of the British Seamen landed here in an irregular manner by the Captain of the *Diana* Portuguese Frigate, which I have been at the same time obliged to renew, no notice having been hitherto taken of either of these Claims by the Portuguese Government.

As it is the system of this Government not even to give an answer to any of the Notes addressed to them from time to time on these several Claims, I am not aware that I can do any thing else than remind them occasionally of, and solicit their speedy attention to, them.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

P.S. In reference to the above I have the honour to inform you, that M. de Santarem this day told me that the Claims in question were actually under the consideration of the proper Tribunal, to which he had also transmitted my Letter.

Enclosure in No. 8.

R. B. Hoppner, Esq. to The Viscount de Santarem.

Sir,

Lisbon, 7th February, 1831.

THE Instructions given by my Government to Mr. Mackenzie, and subsequently reiterated to myself to claim without delay, from that of this Country, compensation for the losses sustained by those British Subjects whose Vessels were illegally detained by the Squadron blockading Terceira, and their property injured in consequence; being, as your Excellency is well aware, of a most peremptory nature, I find myself under the necessity of again calling your Excellency's attention to the Letter addressed to your Excellency on this subject by my Predecessor under date the 27th December last, to which no answer has hitherto been received.

Documents substantiating the Claims advanced on account of the losses incurred by the owners and freighters of the Ship *Velocity*, and the Warrant Officers of the *St. Helena*, were therein submitted to your Excellency for the information of the Portuguese Government, nor do I apprehend that any doubt can exist on their part as to the justice of these demands. Your Excellency was also at the same time made fully acquainted with the expectations entertained by my Government of the punctual and strict fulfilment of the promise held out in your Excellency's Note of the 20th August last, and of their determination to require the immediate satisfaction of these Claims.

I should therefore be wanting in the duty I owe to my Government were I any longer to delay requesting the early attention of the Portuguese Ministry to, and in calling for their speedy decision upon, them; considering the lapse of time since the occurrences which gave rise to this demand, and the period also when it was referred to your Excellency.

I beg leave, at the same time, to recall your Excellency's attention to Mr. Mackenzie's Letter of the 6th September, requiring the payment of a sum of money advanced for the support of Seamen put on shore here by the Captain of the Portuguese Frigate, *Diana*, the restitution of which sum was promised by your Excellency's Letters of the 20th and 21st August.

I have the honour to be, &c.

His Excellency Viscount de Santarem,

(Signed)

R. B. HOPPNER,

&c.

&c.

&c.

No. 9.

R. B. Hoppner, Esq. to Sir George Shee.—(Received February 25.)

(Extract.)

Lisbon, 12th February, 1831.

AFTER I had closed, and sent away my Despatches, I received the accompanying Letter from Mr. O'Neill, a British born Subject and Danish Consul resident here, and transmit it for Lord Palmerston's information, and as a proof of the little efficacy of the orders so confidently asserted by M. de Santarem to have been sent to all their Magistrates to respect British rights and privileges.

As there is no time to copy Mr. O'Neill's Letter, I propose requesting him to furnish me with a duplicate of it, which I shall lay before M. de Santarem, informing him that if things are allowed to go on in this way, and that a Person, so well known as Mr. O'Neill is in this City, is liable to the treatment he has experienced from this all powerful Serjeant of Don Miguel, there can be no safety for me, a perfect stranger, or security against insult from him, and that consequently, I shall be obliged to take refuge on board His Majesty's Frigate. Such a hint may possibly induce them to check this Man's career, which is really becoming too outrageous. I have also learnt, but hitherto not officially, that some armed Soldiers yesterday entered an extensive rope walk, situated in the suburbs of Lisbon, belonging to Mr. Caffary a British Subject, and after ransacking the premises, and breaking open the desks, &c. took away

the Director, a Portuguese, but enjoying British privileges, and conveyed him to prison, without the intervention of any Magistrate whatever. This I shall also have to represent to Viscount de Santarem.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 9.

J. M. O'Neill to R. B. Hoppner, Esq.

Sir,

Lisbon, 12th February, 1831.

I BEG leave to represent to you the following unjustifiable proceeding committed on my person, which as it involves the recognized rights and privileges of British Subjects in this Country, will I trust, merit your favourable consideration.

On the morning of Thursday last, I called on my respectable Neighbours Messrs. Jozé Marques da Costa Soares and Co. Brazil Merchants, who reside on the third floor of my house, with the view of purchasing a parcel of Pernambuco sugar. On my entrance I observed a Corporal of Police and another Person in plain cloaths, who appeared to be an Officer of Justice, and was about to depart when they informed me I must not quit the room, but remain until a Superior Authority whom they shortly expected, had arrived. After detaining me nearly 4 hours, during which time the strictest silence was ordered to be observed, this Superior Authority appeared, who to my great astonishment proved to be the well known Serjeant Jozé Verissimo, who immediately inquired of me who I was, and the object of my being in the room. I satisfied his enquiry, telling him also that I was a British Subject, and that if he would accompany me down to the first floor I would shew him my Carta de Privilegio and other proofs of my holding the Rank of Danish Consul in this City. This he refused doing and disregarding my remonstrances, he gave me in custody to the Officer of Justice and said I must go before the Intendant of Police, where I was accordingly taken and then released.

Though I have no right here to advert to the insult thus offered to my public character, I feel it incumbent on me as a British Subject to complain of the violation committed against me, being thus detained and conveyed through the streets of Lisbon like a Criminal by an incompetent Authority, without the order or sanction of our British Judge Conservator, and in total disregard of my Carta de Privilegio which I offered to shew him, though in reality I consider *he* had no authority to question me about it.

In submitting this case to your consideration, I confidently hope you will be pleased to take such measures as you may deem expedient as will not only prevent the recurrence of similar outrage, but to obtain the redress this circumstance merits.

I have the honour to be, &c.

R. B. Hoppner, Esq.

(Signed)

J. M. O'NEILL.

&c. &c. &c.

No. 10.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 16th February, 1831.

I HAVE to acknowledge the receipt of your Despatch, dated February 4, together with its Inclosures.

From the latter, I learn that the Schooner *Ninus* which had been sent to Lisbon by the Terceira Squadron for adjudication, and in favour of which no fewer than three Sentences, of which the last was a final one, had been pronounced by the Admiralty Court of Portugal, had not yet been restored to its

rightful Owners, but continued still in the custody of the Officers of the Portuguese Government, together with sundry effects, the private property of the Captain.

I have in consequence to desire, that immediately on the receipt of this Despatch, you will address a remonstrance to the Portuguese Government upon this subject, accompanying it by a peremptory demand for the instant liberation of the Vessel, and the restoration of the property that has been detained, together with full indemnification for all losses and damage occasioned by her detention.

I have further to desire that you report to me forthwith the result of your application to the Government of Portugal in this case.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed)

I am, &c.
PALMERSTON.

No. 11.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received March 4.)

My Lord,

Lisbon, 19th February, 1831.

I HAVE herewith the honour to transmit to your Lordship the Copy of a Letter addressed to me by Mr. Sheehan, the Agent of a respectable English manufactory in this City, belonging to a Mr. Caffary, complaining of a gross outrage committed on the Foreman of this establishment, in direct violation of the privileges secured to British Subjects by the VIIth Article of the Treaty of 1810.

The aggressor on this occasion proves to be a person of the name of Leonardo, formerly a postilion in Don Miguel's service, and now one of his immediate and confidential agents. This man whose power is assimilated, in the district of Belem, to that of the notorious Verissimo, in Lisbon, and whose character is, if possible, even worse, appears however to have felt some compunctions, arising from a doubt whether he had not exceeded the limits of his commission, or rather least some unpleasant consequence might not result to his Master from his outrageous acts; accordingly, he offered to deliver up Mr. Caffary's Foreman, whom he held in confinement, to Mr. Philipps, the British Vice Consular Agent at Belem, and on that person's declining such interference, he sent a message through him to me to the same effect; but as I refused any intercourse with him, except through the regular channel, either on his own impulse or in consequence of orders from Don Miguel, he has transferred this unfortunate victim of tyranny to St. Julian's, where he is now in close and solitary confinement.

On receiving Mr. Sheehan's report I immediately addressed a Letter to Viscount de Santarem, transmitting that, and also a Copy of the one from Mr. O'Neill, which I had the honour to forward by the last mail to your Lordship in my separate Despatch addressed to Sir George Shee. This Letter, a Copy of which I have the honour to subjoin, was forwarded to the Viscount de Santarem on the 14th instant. When I waited upon him however, yesterday, he assured me that his Colleagues and himself were in the utmost degree humiliated by the contents of my Letter, and anxious to remove the grounds of complaint which I had such just reason to advance against them; by giving the strictest and most positive orders to prevent a recurrence of such violations of the Treaty as those I complained of, arising from the employment of persons, who, as he said, were for ever compromising the Government. His Excellency then read to me a Letter he had received from the Minister of Justice, in which he was desired to make me the most positive assurances to this effect in reply to my Letter, and he asked me if I was satisfied with them; telling me at the same time that orders had been sent to Belem, to insist on the immediate liberation of Mr. Caffary's Foreman. On this latter point I replied to him, that, so far from the orders being obeyed, if sent, I had just learnt that

he had been transferred to St. Julian's, in consequence, I supposed, of my too great delicacy in refusing to accept his liberation at the hands of the man who had arrested him in so unwarrantable a manner; and that although I had nothing to object to the nature and extent of the orders issued by the Minister of Justice, I was perfectly convinced of their futility, as the Magistrates to whom they were addressed had not the power to enforce them in opposition to those who had hitherto treated their authority with the greatest indifference. Besides this, I hoped that some severer punishment was to be inflicted upon these persons than merely telling them they were not to act in future in a similar manner. M. de Santarem had not a word to oppose to my observations. He promised to furnish me with an answer that I might transmit it jointly with my Letter to your Lordship, and I have no doubt that M. d'Asseca will at the same time be instructed to deprecate the anger of His Majesty's Government and to offer every assurance for the future.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER,

Enclosure 1 in No. 11.

Mr. J. G. Sheehan to R. B. Hoppner, Esq.

Sir,

Lisbon, 12th February, 1831.

AS the representative of the house of Mr. Patrick John Caffary, a British Merchant, many years established in this City, but now absent in London, I beg leave to make you acquainted with the perpetration of an outrage of so aggravated a nature that I am convinced you will see the necessity of taking such steps as you may deem most expedient and effectual, not only to obtain redress for the injury already sustained, but to insure protection to his property from the repetition of such unprecedented violence.

On Friday morning, 11th instant, between the hours of 10 and 11, three armed Police Soldiers entered Mr. Caffary's rope manufactory at Pedrouços, when after having loaded their muskets they proceeded to where the men were at work, and ordered the Foreman to consider himself their prisoner; they then forcibly entered one of the principal stores of the establishment, where a large quantity of hemp and other property to a considerable amount is deposited, which they upset, trampled upon and very materially injured, under the pretext that arms and ammunition were secreted there. They then broke open the desks which contained books, accounts, and several papers of consequence, all of which underwent the strictest examination. Even the chest containing money for the payment of the workmen's wages was forced open, and the contents strewed upon the ground. Not finding, after the closest search, anything that could even throw a shadow of suspicion on the man in custody, they proceeded to acts of the most brutal violence, beating him in the most cruel manner with the flats of their swords; and one of the party struck him with the butt end of his musket on the head, which inflicted a severe and even dangerous wound. He was then handcuffed; and in this state they compelled him to kneel down and give *vivas* to *D. Miguel*. He was then escorted in a more ignominious manner than the greatest criminal, to the police guard house, at nearly the distance of a mile; from which (unless by your immediate and most energetic interference) he will probably soon be removed to the dungeons of Fort St. Julian.

After detailing to you the circumstances of the premises of a British Subject being thus forcibly entered, his property wantonly destroyed, his confidential servant maltreated, the possession of extensive and valuable property entrusted to him, forcibly taken from him, and his life endangered; his desks, coffers, books, papers, every thing that ought to be held most sacred forced open, seized and destroyed, you will suppose nothing further could be adduced to

enhance the atrocity of this case ; but when I inform you that all this was done at the sole and arbitrary will of three private Soldiers, unauthorized by an order from any Civil Magistrate, or the presence of even the most subordinate Civil Officer ; not only in violation of Treaties, but in direct opposition to the law of the land whose slightest forms in this instance were disregarded, it would be supererogatory for me to dwell longer on the subject or to add a word to impress upon you how intimately concerned are the vital interests of the British commercial community in this Country in the decision, whether or not this proceeding is to be established as a principle and precedent to be hereafter acted upon.

I have the honour to be, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) J. G. SHEEHAN.

Enclosure 2 in No. 11.

Mr. Philipps to R. B. Hoppner, Esq.

Sir,

Belem, 14th February, 1831.

I BEG to state to you that yesterday morning I called at the police quarters at this place, to thank the Captain of the Guard for his civility in taking charge of a British Seaman of His Majesty's Ship *Briton*, who was encountered the previous night in the streets out of hours.

On my retiring from the quarters, I was accosted by a person of the name of Leonardo, a confidential servant of Don Miguel's household, who inquired if I had called there respecting Mr. Caffary's Foreman, when I stated that my visit was quite on a different business ; he then requested I would do him the favor to say what he was to do with said prisoner ; that he would give him up if I took charge of him, as when he had ordered the arrest of said prisoner, he was not aware at the time that he was in the employment, or that the premises so entered were in the occupation of a British Subject, and that he had not ordered the prisoner to be sent to St. Julian's, as he had done with the others whom he had arrested, because he was certain that " the King his Master was desirous of preserving a good understanding with the British Government." On my stating I could not in any way interfere, as the Foreman had been illegally taken up, and that he ought in the first instance to have been conducted before the Minister of Police of this District, as he was in the employment of a British Subject ; he then stated that he had nothing whatever to do with the Police, as he received his orders direct from, and reported his acts to " the King his Master." He then further requested I would acquaint you with the communication above alluded to, and that he would detain the said prisoner at the police quarters until I made him acquainted with the result of my communication to you on this subject.

I have the honour to be, &c.

R. B. Hoppner, Esq.,

(Signed) JAS. PHILIPPS.

&c.

&c.

&c.

Enclosure 3 in No. 11.

R. B. Hoppner, Esq. to the Viscount de Santarem.

Sir,

Lisbon, 14th February, 1831.

WHEN I had the honour to see your Excellency on Friday, you desired me to inform my Government that the most positive injunctions had been issued to all the Magistrates throughout the Kingdom, to respect the rights and privileges of British Subjects ; your Excellency at the same time stating to me, that Instructions were sent to M. d'Asseca, to give the same assurances to Lord Palmerston. Your Excellency will therefore judge with what extreme surprise I have learnt that, almost at the same moment, when your Excellency made me these assurances, two instances should occur, affording a practical test of

the little dependance to be placed on them. From the Letters which I have herewith the honour to submit to your Excellency, for the information of your Government, you will learn that not only are its orders, if any such have been issued, disrespected by their own Agents, but that the rights and privileges secured to British Subjects by Treaty, are held in the greatest contempt, their persons subjected to insult and injury, their commercial Establishments entered, and their property materially injured; and this not in consequence of any violation on their part of the Laws of this Country, but in both the instances which it is now my painful duty to bring to your knowledge, without even the shadow of a pretext to justify the perpetration of such outrageous acts.

In my conversation with your Excellency, I have more than once had occasion to insist upon the danger of entrusting unlimited power in the hands of irresponsible Agents—persons, too, who have neither principle nor education to restrain them, and who are sure to make the worst use of what is in itself a most dreadful abuse of authority. Your Excellency denied the existence of such Agents, which I certainly was very backward to believe, until I unfortunately heard too many authentic proofs of it, to doubt so notorious a fact: but will your Excellency still continue to assert their non-existence, after reading the lamentable and disgraceful details contained in the enclosed Papers? At the time when my Government are affording the strongest proofs of their non-interference in the unfortunate struggle now carried on here, can your Excellency say that, in the midst of it, the ostensible Government of the Country have the power and the will to maintain its engagements with Great Britain, and that however exasperated the hostile Factions may be towards each other, the rights of British Subjects are respected, and their persons unmolested by the predominating Party?

That such will be the opinion of my Government, when informed of the outrages committed against Subjects of Great Britain resident here, and on the person of a Portuguese protected by British privilege, is what I would certainly not encourage your Excellency to believe; but I trust that the Portuguese Government will afford me an immediate opportunity of assuring Lord Palmerston, that if their rights and privileges have been infringed, the persons guilty of such a gross violation of them have met with an instantaneous and signal chastisement, and that the most effective means will be resorted to to prevent the recurrence of any similar infraction of the Treaty between the two Countries.

These occurrences, it is my duty to inform your Excellency, have thrown the British Residents here into the greatest consternation, and they earnestly call upon me for protection: but what protection can I afford to others, when, if such a system is allowed to continue, I can scarcely consider my own person as safe, or my house secure against similar insults. If a gentleman so well known as Mr. O'Neill, holding, for many years, a public appointment recognized by this Government, is liable to be forcibly detained for hours, and then dragged through the streets like a criminal to the Intendant of Police, at the will of an Agent, whose power the Portuguese Government are the first to disavow, as they undoubtedly have the first interest in checking it, what have I, a stranger here, to expect but insult and ignominy? I repeat to you, Sir, that if such things are allowed to continue, I shall be compelled to seek refuge on board His Majesty's Frigate in the Tagus, to secure myself against a possible aggression, which, as I am certain that my Government would not be backward in avenging it, it becomes doubly my duty to endeavour to avoid it, and I earnestly entreat your Excellency to use your influence with the Portuguese Government to put an immediate stop to an order of things, which, as it is subversive of all good government, can only encrease the distresses, and precipitate the ruin, of this unfortunate Country.

Before I close this Letter, I must again call your Excellency's immediate attention to the arrest of the Director of Mr. Caffary's establishment, that no time may be lost in giving orders for his liberation. As to any and what ulterior reparation may be due for the gross aggressions which it is my painful

duty to complain of, this is a question for my Government to decide upon, to whose knowledge I shall not fail to refer these cases by the earliest opportunity.

I have the honour to be, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
 &c. &c. &c.

No. 12.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received March 4.)

My Lord,

Lisbon, 21st February, 1831.

NOTWITHSTANDING M. de Santarem's assurances that orders had been sent to Belem for the immediate liberation of Mr. Caffary's Foreman as soon as the Government heard of his detention, and of the ill treatment he had experienced, I learnt on Saturday that he was still in solitary confinement at St. Julian's, and I therefore addressed a second Note to His Excellency, a Copy of which I have herewith the honour to enclose, insisting on his liberation, and stating, that unless I received immediate satisfaction on this point, I should be under the necessity of representing to my Sovereign the inutility of my stay in a Country, the orders of whose Government were treated with contempt, even by their own Agents. I am happy to inform your Lordship that this second appeal produced the desired effect, and that the man was liberated yesterday morning. Up to this moment, however, though I have kept my Despatch open as long as I possibly could, the Portuguese Government have neither attempted any justification of this shameful transaction, nor can I flatter myself that they will offer even the slightest reparation for it, beyond the mere restoration to his liberty of this unfortunate victim of the most wanton tyranny, after detaining him for ten days in prison, during several of which he was in a secret dungeon, and subjecting him to the most barbarous treatment, from the consequences of which he is still, I understand, a severe sufferer.

I beg leave to assure your Lordship, that so long as the Authorities of this Country are permitted to entertain the conviction that His Majesty's Government will be appeased by the mere protestations of their regret for acts which are unparalleled among any other people pretending to civilization, neither the persons nor the property of British Subjects can be considered as secure in this Country, nor must we be surprized if not a week passes without a repetition of similar insults.

I have the honour to be, &c.

Viscount Palmerston, (Signed) R. B. HOPPNER.
 &c. &c. &c.

P. S. The accompanying copy and translation of a Note which arrived at the moment I was about to close my Despatches, is the only satisfaction I am likely to obtain here in the case alluded to in the preceding Despatch. I have the honour to transmit them for your Lordship's information, trusting your Lordship will approve my efforts to obtain redress for the insults offered to the honour and property of His Majesty's Subjects. R. B. H.

Enclosure 1 in No. 12.

R. B. Hoppner, Esq. to The Viscount de Santarem.

Lisbon, 19th February, 1831.

THE Undersigned, His Britannic Majesty's Consul-General in Portugal, has the honour to inform Viscount de Santarem that, notwithstanding the assurances yesterday given to him by his Excellency, that positive orders had been sent by

the Minister of Justice to Belem for the immediate liberation of the foreman of Mr. Caffary's Establishment, that person is still detained in close and solitary confinement at St. Julian's, and to implore his Excellency to make the necessary representations to the proper Authorities, in order that his sufferings may not be unnecessarily prolonged, in defiance of all justice, and of the express stipulation of the XIIth Article of the Treaty of 1810, between the two Countries.

Should the Undersigned not receive immediate satisfaction on this point, he will find himself under the necessity of representing to his Sovereign, the perfect inutility of his continuance in a Country, the orders of whose Government, as officially communicated to him, are allowed to be set at nought by Agents whose authority they themselves do not recognize, and delegated to them in a manner which no one is permitted to understand.

It is with the most sincere distress that the Undersigned is again compelled to address the Viscount de Santarem on behalf of this individual, but he gladly avails himself of the opportunity of renewing to his Excellency individually, the assurances of his high esteem and consideration.

His Excellency Viscount de Santarem, (Signed) **R. B. HOPPNER.**
&c. &c. &c.

Enclosure 2 in No. 12

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

*Secretary of State's Office for Foreign Affairs,
21st February, 1831.*

IN reply to your Note of the 19th instant, I have to acquaint you that a communication I have just received from the competent Department mentions that on the same day you addressed to me the above Note, the individual therein reclaimed, was already at liberty and restored to the establishment to which he belongs, which could not be effected sooner, he being in the Tower of St. Julian three leagues distant from the Capital.

God preserve you.

(Signed) **VISCOUNT DE SANTAREM.**

R. B. Hoppner, Esq.
&c. &c. &c.

No. 13.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 9.)

Sir,

Lisbon, 24th February, 1831.

I HAVE herewith the honour to transmit to you, for the information of Viscount Palmerston, the Copy and Translation of a Note, addressed to me by M. de Santarem, in reply to mine of the 28th ultimo, claiming restitution of the Schooner *Ninus*, and which I received on Monday evening, too late to forward by the last Packet. I lost no time in intimating the contents to the Master and Consignee of the said Vessel, that they might resume possession of her without further delay; and as soon as a regular protest has been made by them of the amount of damage and loss accruing to the Owners from her detention, shall not fail to make an energetic demand for indemnification, although I much fear that in the exhausted state of the Portuguese Treasury there is very little chance of a speedy decision of this, or similar claims that have been made upon this Government in consequence of the unjustifiable acts of the Terceira Squadron.

I have the honour, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) **R. B. HOPPNER.**

Enclosure in No. 13.

*Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)**Palace of Salvaterra de Magos, 21st February, 1831.*

HAVING written officially to the Minister of Marine, in order to effect the delivery of the English Schooner *Ninus*, whose capture during the blockade of the Island of Terceira, has been declared illegal, and against the delay in restoring which you addressed your Note to me of the 28th January last, I have just received an answer from the said Minister, by which it appears that the delay there has been in the delivery, ought to be attributed to the person interested not having petitioned the Major-General of the Royal Fleet, annexing a Copy of the Sentence in the usual form; notwithstanding which the said Minister has already issued the necessary orders for the delivery to be effected forthwith, which I have the honour to communicate to you for your information.

God preserve you.

(Signed) VISCOUNT DE SANTAREM.

R. B. Hoppner, Esq.
 &c. &c. &c.

No. 14.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 9.)

(Extract.)

Lisbon, 26th February, 1831.

THE Note from M. de Santarem, which I had the honour to transmit to Viscount Palmerston by the last Packet, respecting Oliveira, Mr. Caffary's Foreman, came so late to my hands, that I was obliged to confine myself to the mere transmission of it. In my Despatch I stated that he was only set at liberty on the Sunday morning, but it appears that M. de Santarem was correct in saying that he was liberated on the preceding day, as, in fact, he was released on Saturday afternoon. According to his account, after remaining several days in custody at the Police Station, he was transferred to St. Julian's, where he was confined during two days in a dark room, having nothing but the earth to lie upon, as he was without a bed, and the room was not boarded. On the third day of his stay there he was removed into a better quarter, and on the fourth, he was released. He represents the Fort as crowded with prisoners of all descriptions, and the situation of those who have no money is most deplorable, their sufferings being enhanced by the badness of their food, which is not eatable. One of the persons, recently confined, is an unfortunate Priest, whose only crime is acknowledged to be his having reproved some Soldiers whom he saw ill-treating a man they had just arrested, and telling them that the King did not authorize them to beat his Subjects.

M. de Camara, whose arrest I mentioned on a former occasion, was set at liberty after five days' detention, without any charge whatever being advanced against him.

Sir George Shee, Bart.
 &c. &c. &c.

(Signed) R. B. HOPPNER.

No. 15.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received March 9.)

(Extract.)

Lisbon, 26th February, 1831.

M. DE SANTAREM having requested me to defer my visit to him until to-day, I waited upon him, expecting he would have something particular to

communicate to me, as I found that he had not postponed his reception of my Colleagues, and on entering his apartment I told him that I had come to him with this expectation. He replied that he had wished again to see me, to urge me once more to repeat to your Lordship the assurances of himself, and of his Colleagues, that every measure should be taken to secure to the British Subjects in Portugal the enjoyment of their privileges ; and that he would, in the course of the day, reply to my Note of the 14th instant, and communicate to me for your Lordship's information, the instructions which had been sent to the Magistrates and Commanders of Corps for this purpose. He appeared rather mortified to learn that I had already made my Report of what had occurred here with regard to Mr. O'Neill and Mr. Caffary's manufactory to your Lordship ; but I told him that I had waited till the very last moment for his answer ; and as it was with reluctance I had sent off my Despatches without it, I should be too happy to have the opportunity of forwarding it by the present occasion.

I have now the honour to transmit to your Lordship, a Copy and Translation of the Note which M. de Santarem promised me, and which is just come to my hands. It is but just to observe, that, during the last week, no complaint has reached me of any act of these immediate Agents of Don Miguel, whose conduct I had been under the necessity of representing to M. de Santarem.

I have the honour to be, &c.
Viscount Palmerston. (Signed) R. B. HOPPNER.
 &c. &c. &c.

Enclosure in No. 15.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Palace of Queluz, 26th February, 1831.

THE moment after I had received the Official Note you addressed to me, under date of the 14th instant, on the subject of the occurrences which took place with a British Subject, and another individual, a Portuguese employed in Mr. Caffary's Manufactory, His Majesty directed that his Royal Orders should be issued by Circulars to all the Magistrates of Criminal Cases, commanding them not to afford assistance to any individual who is not a competent authority, in conformity with the laws ; similar orders having been also sent to the Military Authorities, and the individuals who were the occasion of those occurrences, as well as the Magistrate who lent them his aid for the purpose, having been reprimanded.

These, and other measures which His Majesty determined upon taking, will prevent for the future the repetition of cases of so disagreeable a nature as those which form the object of your Note to which I have referred.

God preserve you.
R. B. Hoppner, Esq. (Signed) VISCOUNT DE SANTAREM.

No. 16.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 13.)

Sir,

Lisbon, 5th March, 1831.

I HAVE herewith the honour to transmit to you for Lord Palmerston's information, Copies of two representations, which have been forwarded to me by His Majesty's Consul at Oporto, from British Merchants resident there, complaining of the excessive duties levied on the articles of cotton twist and yarn, of which they are considerable importers ; as also of the Note which I thought it my duty in consequence to address to His Excellency the Viscount de Santarem, remonstrating against this infraction of the XVth Article of the Treaty of Commerce which secures to British produce and manufactures an exemption from all duties exceeding 15 per cent. on their value.

I beg leave likewise to enclose for His Lordship's information the Copy of a Letter addressed to me by Mr. O'Neill, a British Merchant residing in Lisbon, respecting a charge of 30 per cent. which has been demanded at the Custom-house of this City on a cargo of English Coals imported in a Swedish Vessel, and of my Note to M. de Santarem upon this subject; being equally in opposition to the same Article of the Treaty.

The double duty exacted on this occasion has been already demanded on others, on the plea that goods imported in Vessels not British or Portuguese are not exempted by the Treaty. The Article in question upon which the Administrator of the Customs founds his decision, is totally silent with respect to the Vessels in which British goods may be imported. I have therefore thought it my duty to demand a revocation of this decision as being in opposition to the spirit and tenor of the Treaty, together with compensation for the demurrage to which the Vessel is subjected in consequence.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) R. B. HOPPNER.

P. S. I have since learnt that the Administrator of the Customs has put his decided negative on a petition presented by Mr. O'Neill for the admission of the cargo in question at the duty fixed by the Treaty.

R. B. H.

Enclosure 1 in No. 16.

Memorandum.

We, the Undersigned, beg leave respectfully to solicit the interference of His Majesty's Consul at Oporto, John Crispin, Esq. in the following case. Whereas an order has lately been issued by the Portuguese Government allowing manufacturers who import cotton twist (Fio d'Algodão) the privilege of paying 660 reis duties per bundle of ten pounds up to No. 20—1000 reis; from No. 20 a No. 40—1,200 reis;—and on Turkey red twist 1,600 reis per bundle. The Undersigned are considerable importers of twist, and come under the denomination of Dealers, consequently are compelled to pay the higher duties, which they consider illegal and arbitrary, and contrary to existing Treaty, which does not give the Natives an advantage in the duties over Englishmen who import British manufactured goods. It is almost needless to premise, that the Treaty of 1810, does not admit of more than 15 per cent. duties being paid on all British manufactures, whereas cotton twist, of low numbers, up to 20, is actually paying the exorbitant duty of 50 per cent. and from No. 20 to 40, 30 per cent. The Undersigned particularly call your attention to the important fact, that it is only subsequent to the year 1820, the high duties of reis 1000, reis 1,200 and reis 1,600 per bundle, have been levied, while prior to that period, say from 1807 to 1820, the duties were the same as at present paid by the privileged manufacturers.

The Undersigned contend that cotton twist ought not to pay more than 15 per cent. ad valorem, and not even the reduced duties of reis 660; reis 800; and reis 1070 per bundle, and humbly beg your mediation with the Government at Lisbon, that in the event of their not conceding to admit cotton twist to pay 15 per cent ad valorem, that at least the Undersigned shall be equally favoured with the importing manufacturers and be allowed to pay the reduced duty only.

(Signed) JOSEPH RUSHTON & Co.

Oporto, 18th February, 1831.

Average price of No. 1 to 20, 10½d. per pound, and from No. 20 to 40, 15½d. per pound.

Enclosure 2 in No. 16.

Mr. Newton to J. Crispin, Esq.

Sir,

Oporto, 19th February, 1831.

HAVING imported a considerable quantity of cotton yarn to this market, and at this moment holding a large portion in bond, I feel myself aggrieved at not having it in my power to dispatch and pay duty on the same at an honest and fair valuation, according to the XVth Article of the Treaty of Commerce between this and our country.

I am the more aggrieved, because, latterly, certain Portuguese Subjects have obtained licences to dispatch the same article at one-third less duty (and even at one-third less, the duty is exorbitant) while I, to expose my commodity for sale, must first pay a vexatious duty exceeding 40 per cent. on the intrinsic value of said commodity, as from annexed statement clearly demonstrates.

Thus I am prevented disposing of an article, one of the principal of my trade, and have actually been suffering, to the very great detriment of my interests, for more than two months past in not being able to take out of bond, the article in question, and this from the very apparent reason herein stated.

Putting however all favour, privileges, or licences granted to Portuguese individuals on one side, I will ground my complaint on the Article of said Treaty of Commerce herein alluded to, and trust that by a representation of the same, that my greivance will be attended to.

I have, &c.

John Crispin, Esq.

(Signed)

ISAAC NEWTON.

Copy of Invoice one bale cotton yarn shipped in Liverpool per Camoens, and arrived here 29th January, 1831.

177. 100 Bundles 20s Water Twist

1000lbs at 11d...£45 16 8

Charges..... 3 4 6

£49 1 2

Exchange at 48d is, Rs. 2454291.

The above being dispatched by me would have to pay duties as follows :

		Paper.	Metal.	Total.
4½ per cent.	Dizima	14.800	14.900	29.700
2 „	Acressimo	6.400	6.800	13.200
3 „	Siza	9.800	10.000	19.800
2 „	Donativo	6.400	6.800	13.200
3 „	Consulado & Fragatas	9.600	10.200	19.800
½ „	Redizima	1.200	2.100	3.300
	Emolumentos		620	620
Total amount of Duties, Rs.		48.200	51.420	99.620

Enclosure 3 in No. 16.

R. B. Hoppner, Esq. to the Viscount de Santarem,

Lisbon, 2nd March, 1831.

THE Undersigned, His Britannic Majesty's Consul-General in Portugal, has the honour to transmit herewith to his Excellency the Viscount de Santarem, the Copies of two representations from British Merchants residing in Oporto, which have been forwarded to him by His Majesty's Consul in that City, complaining of the injury inflicted on their commerce by the exorbitant duties levied on the articles of cotton twist and yarn, of which they are considerable importers, in violation of the Stipulations of the Treaty of 1810, by which all articles of British manufacture are exempted from any duty exceeding 15 per cent. on their value.

From the statement of these Merchants it appears that this branch of their commerce was long since exposed to duties at 660, 800, and 1,070 reis per bundle of ten pounds weight, and which in fact already exceeded the duty of 15 per cent. to which alone they were liable; but that in 1820 the Portuguese Government further augmented the duties to 1,000, 1,200, and 1,600 reis on precisely the same articles, thereby establishing the extravagant rate of 50 per cent. on the value of the lower quality of goods, and 40 per cent. on the higher. Annexed to Mr. Newton's Letter (No. 2.) is the copy of an invoice of 100 bundles of cotton twist recently imported, with the table of the duties to which it will at this moment be subject if dispatched at the Custom-house, by which his Excellency will observe that they exceed 40 per cent. on the first cost, including charges.

The Undersigned is further informed that by an order of this Government, Portuguese manufacturers who import the articles in question are privileged to enter them at the original duties above-mentioned; while the importing dealers are subjected to the higher rate of duties; and that not content with this infraction of the Treaty, permission has been granted to a Portuguese individual to enter a quantity of cotton twist and other goods, free of all duties, as His Excellency Viscount de Santarem will perceive by the enclosed Copy of the Order passed by the Board of Trade on the 8th ultimo.

Not only are the Stipulations of the VIIIth, XVth and XVIth Articles of the Treaty of 1810 clearly opposed to the principle upon which the Portuguese Government have acted in imposing duties so far exceeding what they are justly entitled to exact according to that Treaty, and beyond which it is expressly agreed that the produce and manufacture of Great Britain shall not be burthened in the Portuguese Dominions, but the Undersigned is under the necessity of protesting also against the privileges generally alluded to, and the above-mentioned Order of the 8th ultimo in particular, as in direct violation of the XXVth Article of the same Treaty, which stipulates that "the commerce" and trade carried on by British Subjects shall not be restricted, annoyed, or "otherwise affected by any Commercial Company, (and in the same spirit by "any individual) whatever, possessing exclusive privileges and favours within "the Dominions of Portugal."

The Undersigned, therefore, in submitting the accompanying Documents to his Excellency Viscount de Santarem, indulges in the confident expectation that his Excellency will recommend them as early as he conveniently can to the favourable consideration of the Portuguese Government, in order to remove the grounds of complaint so justly urged by the British Merchants who have appealed through the Undersigned to his Excellency, as tending not merely to inflict a partial injury on their interests, but to put an entire end to their trade.

The Undersigned avails himself, &c.

(Signed) R. B. HOPNER.

His Excellency Viscount de Santarem.

&c. &c. &c.

Enclosure 4 in No. 16.

J. M. O'Neill, Esq. to R. B. Hoppner, Esq.

Sir,

Lisbon, 2nd March, 1831.

I REGRET to have to inform you that my house (Torlades & Co.) having imported a cargo of Coals from Newcastle, proved to be the produce of England, in the Swedish Vessel *Resolution*, Olsen, Master, the Custom-house claims on the same a duty of 30 per cent., and as this is in a direct opposition to the XVth Article of the Treaty of Commerce of 1810, I beg you will make to the Portuguese Government such a representation as you may think proper, claiming at the same time, the demurrage of the Vessel, and other losses, which we estimate at £10 sterling per day.

I remain, &c.

(Signed) J. M. O'NEILL.

R. B. Hoppner, Esq.

&c. &c. &c.

Enclosure 5 in No. 16.

*R. B. Hoppner, Esq. to The Viscount de Santarem.**Lisbon, 3rd March, 1831.*

THE Undersigned, His Britannic Majesty's Consul-General in Portugal, has the honour to transmit to his Excellency the Viscount de Santarem, the Copy of a Letter which has been addressed to him by Mr. J. M. O'Neill, of the house of Torlades & Co. established in this City, complaining of the demand made, on the part of the Custom-house, of 30 per cent. on a cargo of Coals, the produce of England, imported into this Country in the Swedish Vessel *Resolution*, in opposition to the stipulations of the XVth Article of the Treaty of Commerce of 1810.

The Undersigned, after the strictest examination of the Article in question, which expressly accords the admission of British produce into the Ports of Portugal, whether consigned to British or Portuguese Subjects, upon paying *generally and solely*, duties to the amount of 15 per Cent., according to their value, is entirely at a loss to conceive upon what grounds the Custom-house have exacted this additional duty, in direct opposition to the letter and spirit of the Treaty; he flatters himself, therefore, that his Excellency will lose no time in representing the case to the proper Authorities, in order that this vexatious proceeding on the part of the Custom-house may be forthwith annulled, and compensation made to the owners and consignees of the cargo, for the severe losses to which they are exposed in consequence, and which, as appears by Mr. O'Neill's Letter, they estimate at £10 sterling per day.

The Undersigned avails himself of this opportunity, &c.
His Excellency The Viscount de Santarem, (Signed) R. B. HOPPNER.
 &c. &c. &c.

No. 17.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 7th March, 1831.

I HAVE to acknowledge the receipt of your Despatches to the 21st February inclusive, and with reference to that of the 19th February, relating the details of the outrage committed upon the foreman of Mr. Caffary's establishment, by an Agent of Don Miguel, called Leonardo, assisted by three Police Soldiers, I have to express to you the entire approbation of His Majesty's Government, of the prompt and spirited manner in which you demanded and obtained the liberation of the man, and in which you remonstrated against this violation of the Laws of Portugal, and of the Treaties between the two Countries.

You will, however, state to the Portuguese Government, that it is impossible that His Majesty's Government can consider the mere release of the man as an adequate atonement or satisfaction for this most unjustifiable and unprovoked outrage, and that they must expect that such compensation be made to the man for his imprisonment and personal injuries, as the sufferings and insults which he has undergone may appear to entitle him to.

You will also state, that this fresh outrage renders it imperatively necessary to require an immediate and satisfactory reply to the hitherto unanswered demands for the dismissal of the Captain of the *Diana*, and for compensation to the owners of the captured Vessels.

R. B. Hoppner, Esq. (Signed) PALMERSTON.
 &c. &c. &c.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 29.)

Sir,

Lisbon, 10th March, 1831.

REFERRING to my Despatch of the 5th inst. respecting the duty of 30 per cent. charged on a cargo of English Coals brought to this Port in a Swedish Vessel, I have now the honour to transmit to you, for Viscount Palmerston's information, the Copy and Translation of a Note and its Inclosure, addressed to me by M. de Santarem, in reply to mine of the 3d instant, as also the Copy of a second Note which I deemed it my duty to forward to His Excellency on the same subject, in consequence of the unfavourable decision of the Minister of Finance.

It is unnecessary for me to enter here into any further details respecting this individual case, and the arguments I have made use of to rebut the demand arising out of it. The instructions conveyed both to Mr. Matthews and to Mr. Mackenzie in the Despatches alluded to in the accompanying Copy of my Note to M. de Santarem, made it imperative on me to reply to the Count da Louzaã's Letter. At the same time it may not be improper in me to observe, that that Minister is perfectly correct, in viewing the employment of Vessels, bearing neither the British nor the Portuguese Flag, in the commerce between the two Countries, as highly injurious to the shipping interests of both: and although his decision is not borne out by the letter of the Treaty, I venture, with all deference to the opinion of my superiors, to submit, that it is not unfavourable to British Commerce.

While, therefore, I would not recommend in any case, that the Portuguese Government should be permitted to put, at pleasure, their own construction upon the Treaty of 1810, I venture most humbly to suggest, that in the present instance, our opposition to them might be advantageously withdrawn, where the goods consigned by Foreign Vessels are not addressed to bonâ fide British or Portuguese houses. This distinction is necessary, in order to prevent any foreign house from putting forward, as is their practice, either a single partner, or even one of their English Clerks, as Consignee, where it enables them to claim any advantage under the Treaty, which they evidently, as Foreigners, were not intended to enjoy: and some means might be devised of informing the Portuguese Government, that that of Great Britain would not object to their views of the question in dispute, if instead of claiming the duty on all British goods coming in Foreign Vessels, they were to confine their demand to such as cannot be proved to be bonâ fide consigned to British and Portuguese Subjects, care being taken to prevent any fresh abuse arising from this concession.

I have the honour to be, &c.

Sir George Shee, Bart.
 &c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure 1 in No. 18.

Viscount Santarem to R. B. Hoppner, Esq.—(Translation.)

Palace of Queluz, 9th March, 1831.

IN answer to your Note of the 3rd inst. respecting the complaint of Jozé Maria O'Neill, as representative of the House of Torlades & Co. that a duty of 30 per cent. had been exacted from him at the Custom-house, on a shipment of Coals of the produce of England, imported in the Swedish Vessel *Resolution*, I have the honour to inform you that I have received from the Minister of Finance, to whom I addressed myself on this subject, an official reply, dated the 7th instant, of which I transmit you the enclosed copy for your information.

God preserve you.

(Signed)

VISCOUNT DE SANTAREM.

Senhor R. B. Hoppner.

Sub-Enclosure in No. 18.

(Translation.)

THE actual British Consul having, in his Note to your Excellency, renewed a claim similar to those urged on former occasions by the Consuls, his Predecessors in office, at the solicitation of some Merchants of their Nation, exacting a punctual observance of the XVth Article of the Treaty of 19th February, 1810, in consequence of a duty of 30 per cent. having been demanded on a shipment of Coals, the produce of England, imported in the Swedish Vessel *Resolution*; I have the honour, in answer to your Excellency's official Letter of the 4th inst. to assure you, that the stipulation of the Treaty inserted in the Article in question, has not been in any way infringed; inasmuch as the admittance of such goods, in Vessels neither British nor Portuguese, not being expressly declared to be allowed, it must necessarily be inferred from this fact, that Vessels of all other Nations are excluded, for the benefit of the British and Portuguese Navigation; that being one of the foundations of the said Treaty of Amity, Commerce, and Navigation: I therefore judge this motive sufficient to disprove the charge of infringement of the Treaty, which the Consul urges against the Custom-house, whose proceedings are in perfect conformity with the spirit and the letter of the said Treaty.

I might also refer your Excellency to my official Letters of the 31st October and 27th November, 1829, in which I had the honour of exposing to your Excellency my ideas on a similar subject; but I consider it unnecessary to repeat reasons already known to your Excellency, from the official Letters to which I have referred, and in which I cleared up a point in dispute, analogous to that at present existing with regard to Coals of British produce imported into this Kingdom in Foreign Ships. This is all the reply I can make to your Excellency's official Letter of the 4th inst.

God preserve your Excellency.

Office of the Secretary of State for Financial Affairs, 7th of March, 1831,
(Signed) CONDE DE LOUZAA DOM DIOGO.

Ilmo. e Exmo. Sr. Visconde de Santarem.

Office of the Secretary of State for Foreign Affairs, 9th of March, 1831,
(Signed) JOSE MARIA DE SALES RIBEIRO.

Enclosure 2 in No. 18.

R. B. Hoppner, Esq. to The Viscount de Santarem.

Lisbon, 10th March, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to acknowledge the receipt of the Note which His Excellency Viscount de Santarem has transmitted to him in reply to the one which he addressed to His Excellency on the 3rd instant, respecting the duty of 30 per cent. exacted at the Custom-house in this Port on a cargo of English Coals, imported in the Swedish Vessel *Resolution*, and covering the copy of a Despatch from the Minister of Finance on the same subject.

In this Despatch His Excellency the Conde de Louzaa assumes that the XVth Article of the Treaty of 1810, not having expressly declared that British Merchandise might be admitted into the Ports of this Kingdom in vessels which are neither English nor Portuguese, it follows as a matter of course, that every other Flag is excluded from the privilege of conveying them on the same terms in favor of the Vessels of the two Contracting Parties. The Undersigned begs leave to state, that nothing can be more inconclusive than such an argument; which, so far from being, as His Excellency says, according to the spirit and letter of the Treaty of 1810, cannot certainly be proved to be in any degree according to its spirit, the express stipulations of the same being, that British produce and manufactures shall be admitted into this Kingdom on the payment generally and solely of 15 per cent. while it is a gratuitous assumption to state

that it is according to its letter; when neither in this Article nor throughout the whole Treaty, is there a single paragraph that prescribes the necessity of the importation of such produce, &c. being effected in British or Portuguese vessels alone.

The stipulations of the Vth Article, which regards the navigation between the two Countries are evidently intended to establish the equality of the duties to which goods imported into either Country in the vessels of the Contracting Parties shall be reciprocally liable: but even in this Article, it is no where said, that they shall be subject to a higher duty if imported in the ships of any other State: neither, at the time, when the Treaty was concluded, nor for several subsequent years, did the Portuguese Government attempt to put such a construction upon it. The first time when there is any record of an additional duty being demanded being in April 1829, nineteen years after it had been in full operation.

The Minister of Finance stating in his Despatch that his decision is in favour of the shipping interests of the two Nations, it behoves the Undersigned again to call the attention of His Excellency Viscount de Santarem to the accompanying Extracts of Despatches addressed by desire of the Earl of Aberdeen to Mr. Matthews, on the 7th May, and to Mr. Mackenzie on the 18th November 1829, in order to show that the English Government, as the natural Guardians of the interests of their own Country, do not consider this Minister's decision as favourable to its Trade and Navigation. Great Britain, as one of the Contracting Parties, has an undoubted right to complain of any determination of the Portuguese Government prejudicial to her; the more so, as in the concluding paragraph of the VIth Article of the same Treaty, there is an express engagement on the part of Portugal not to make *any regulations which may be prejudicial or inconvenient to the Commerce and Navigation of the Subjects of His Britannic Majesty*, and that this innovation has such a tendency cannot be denied, since it has been the subject of repeated remonstrance ever since it was first attempted to be established.

Although the Undersigned is taxed by His Excellency The Conde da Louzãa with raising anew this question, (which has, however, never been decided, except on the sole authority of this Minister) he has felt that he would have neglected his duty had he omitted to make these observations to His Excellency Viscount de Santarem, having before him the repeated expression of the sentiments of his own Government upon the point in dispute. In doing so, he trusts that His Excellency will perceive the necessity of recommending to His Excellency the Conde da Louzãa to revise his decision upon it, which, notwithstanding any arguments he may have adduced in his Notes of the 31st October and 27th November, 1829, in favour of his own opinion, cannot be denied to be contrary to the practice which prevailed in the Ports of this Kingdom up to the period already mentioned, consequently, to be an innovation prejudicial to the commercial interests of Great Britain; and, moreover, an *ex parte* decision, directly opposed to the view taken of the same subject by His Britannic Majesty's Government.

The Undersigned avails himself, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
&c. &c. &c.

No. 19.

Sir George Shee to R. B. Hoppner, Esq.

Sir,

Foreign Office, 16th March, 1831.

I HAVE to acknowledge the receipt of your Despatch, dated the 5th inst. inclosing Copies of two representations from British Merchants at Oporto, complaining of the excessive Duties levied in that Port on articles of cotton twist and yarn, and of the remonstrances which you in consequence addressed to M. de Santarem, and also transmitting Papers upon the subject

of a charge of 30 per cent, which has been demanded by the Customhouse at Lisbon upon a cargo of English Coals, belonging to Mr. O'Neill, imported in a Swedish Vessel.

In reply, I am directed by Viscount Palmerston to inform you that His Lordship entirely approves of the course that you have pursued, with reference to both the transactions to which you advert; and further, that it is His Lordship's wish, if you should not, before this Despatch reaches you, have received a satisfactory answer from the Portuguese Government to your reclamations, that you lose no time in repeating and pressing your demand.

I have the honour to be, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed)

G. SHEE.

No. 20.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 29.)

Sir,

Lisbon, 19th March, 1831.

BY the *Marlborough* Packet, which arrived here on the evening of the 17th inst., I had the honour to receive your Despatch of the 2nd inst., with its Inclosures, respecting the compensation due by the Portuguese Government to the owners of the British Brig *Margaret*, on account of her detention by the Terceira Squadron. I have herewith the honour to transmit to you, for Viscount Palmerston's information, the Copy of a Note which I have in consequence prepared for Viscount Santarem on this subject, and which I shall forward to His Excellency as soon as the accounts can be copied which it will be necessary to submit to the Portuguese Government.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 20.

R. B. Hoppner, Esq. to The Viscount de Santarem.

Lisbon, 19th March, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to transmit to His Excellency Viscount de Santarem the accompanying Copies of Documents which have been forwarded to him by direction of Viscount Palmerston, with orders to submit the same to His Excellency without loss of time, and to claim His Excellency's immediate attention to them.

These Papers contain the details of the losses incurred by the Owner of the British Brig *Margaret*, in consequence of her detention by the Portuguese Squadron blockading Terceira in July last, and the Undersigned is instructed to state to His Excellency that the strictest attention has been paid to the investigation of this case, with a view to limit the demand of the Owner, as far as possible, to the real amount of his loss. His Britannic Majesty's Government has been indeed so careful on this point, that the Documents in question have been more than once submitted to the Law Officers of the Crown, and it is in their amended form, which has entirely met with their approbation, that the Undersigned has now the honour to lay them before His Excellency. The amount of compensation which, in the present case, the Undersigned is directed to claim of the Portuguese Government is £644 11s 9d.

The Undersigned has at the same time received the positive injunctions of his Government to repeat unequivocally to His Excellency Viscount de Santarem, the determination of His Britannic Majesty's Government to require a strict and punctual fulfilment of the promise of indemnification made in His Excellency's Note to Mr. Mackenzie of the 20th of August last, and in submitting the present case to His Excellency, he is also desired to state to him,

that in the opinion of His Majesty's Government, more than a sufficient time has elapsed for the due examination of the claims connected with the cases of the *Velocity* and *St. Helena*, which were forwarded to His Excellency in Mr. Mackenzie's Letter of the 27th December last, and again brought under His Excellency's Notice by that of the Undersigned of the 7th ultimo: as also the demand of indemnification for the support of the British Seamen landed in Lisbon from the Portuguese Frigate *Diana*, which the Undersigned had the honour to renew in the same Letter; and that His Majesty's Government therefore trust that His Excellency will no longer delay giving a satisfactory answer to them, founded as they are on the strictest principles of justice and international law.

The Undersigned has the honour, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER,
 &c. &c. &c.

No. 21.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 29.)

(Extract.) *Lisbon, 19th March, 1831.*

IN my Despatch of the 5th instant, I mentioned the promise made to me by Viscount de Santarem that I should be furnished with a Copy for Lord Palmerston's information, of the orders issued to the Magistrates and Chiefs of Military Corps, not to abet the Agents of Don Miguel's secret Police. With this promise his Excellency has not thought it necessary to comply, nor do I conceive the Document of much importance, as we have M. de Santarem's written, as well as verbal assurance of its existence.

I have the honour to be, &c.

Sir George Shee, Bart. (Signed) R. B. HOPPNER.
 &c. &c. &c.

No. 22.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 9.)

My Lord, *Lisbon, 25th March, 1831.*

ONE of the several cases which I found undecided on my arrival here was that of the confirmation of the Judge Conservator at Oporto.

By a reference to Mr. Mackenzie's Despatches, your Lordship will perceive, that in consequence of a complaint adduced against M. Carneiro e Sá, who, since December, 1828, had acted as British Judge Conservator in that City, the British Residents there were directed by the Earl of Aberdeen, in Lord Dunglas's Despatch of the 18th August last, to proceed to the election of a new one, whose appointment Mr. Mackenzie was required to announce to the Portuguese Government. This election accordingly took place conformably to the usual practice observed on these occasions: but by an unfortunate oversight Mr. Mackenzie had neglected to obtain the sanction of this Government to the removal of M. Carneiro e Sá, previous to the election of the new Judge, in an official manner, conceiving it sufficient to have solicited it verbally of M. de Santarem, from whom he received the assurances that he considered the grounds of M. Carneiro e Sá's dismissal sufficient, and the promise that his Successor's Exequatur should be made out in due form.

Shortly after my arrival here the case was brought to my notice by an application from M. de Castello Branco, the Principal Secretary in Viscount de Santarem's office, for the payment of arrears due to M. Carneiro e Sá (his father-in-law) which had been stopped by Mr. Mackenzie, in consequence of his refusing to resign his office when called upon to do so. On this occasion I discovered, that notwithstanding the repeated promises which the Viscount de Santarem had made to Mr. Mackenzie, and renewed to myself on my first audience of His Excellency, it was not the intention of the Portuguese Govern-

ment to issue M. Oliveira's Exequatur, but to screen themselves under the irregularity of the mode in which his nomination had been intimated to them. It was further alleged by M. de Castello Branco, that as the appointment of all Judges was irrevocable, there existed no power on the part of the British Government to displace a Judge whose appointment had been once sanctioned by his Sovereign, an argument which in this Country, where no such system prevails, is perfectly absurd; and to which I only answered, by assuring him that His Majesty's Government would certainly not continue to pay a stipend to any man who was kept in place in opposition to their wishes, and who had used his authority in direct opposition to the interests of the British Subjects, which it was his peculiar province to protect.

Finding how the affair stood, I again spoke to the Viscount de Santarem upon it, and as he alleged as an excuse the difficulty in which he had placed himself by his desire to comply with Mr. Mackenzie's wishes on this subject, I agreed, in order to remove every obstacle with respect to the question, to make a regular written application to His Excellency for the removal of M. Carneiro e Sá, and the issue of the Exequatur on M. de Oliveira's appointment, His Excellency promising me, that if I thus brought the affair into its proper channel, it should be arranged without further loss of time.

By the Inclosure No. 1, your Lordship will perceive that I did not delay putting his promise to the test, by submitting the case to His Excellency in due form, and several weeks having since elapsed without any notice of it on His Excellency's part, I have thought it necessary again to address His Excellency upon the subject, and at the same time to bring these circumstances to your Lordship's knowledge.

I shall feel indebted to your Lordship for any instructions you may think proper to give me with regard to such ulterior steps as it may be necessary for me to take, in order to secure to the British Residents at Oporto the enjoyment of a privilege to which they are so unquestionably entitled.

I have the honour to be, &c.

Viscount Palmerston.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 22.

R. B. Hoppner, Esq. to the Viscount de Santarem.

Lisbon, 15th February, 1831.

AS the application of the English Merchants and Residents of Oporto for the removal of the Desembargador, Sñr Carneiro e Sá, from the Office of British Judge Conservator in that City remains unnoticed hitherto by the Portuguese Government, owing, it appears, to an informality in the mode of submitting it to your Excellency, I have herewith the honour to transmit to your Excellency the Copy of a Resolution adopted at a meeting of the British Merchants at Oporto, dated 10th September last, expressive of their disapprobation of his conduct on a then recent occasion, and their determination to elect another Judge in his stead, which resolution Mr. Mackenzie did not deem necessary then to transmit to your Excellency, as you had agreed with him on the expediency of the removal of this Judge; and I have now the honour to request your Excellency will take the necessary steps for his removal without further delay from a post which he can only continue to hold in direct opposition to the wishes of those by whom he is paid for fulfilling its duties, and whose rights and interests it was peculiarly his office to protect.

As the British Residents at Oporto, not doubting the readiness of the Portuguese Government to comply with so reasonable a request, have already, in conformity with the directions of Lord Aberdeen, elected a new Judge in the person of the Dezembargador, Sñr João Manoel de Oliveira, whose nomination was transmitted to your Excellency on the 3rd of November last, for the purpose of receiving the necessary confirmation, I have at the same time to

request your Excellency's good offices to obtain the issue of the usual Decree in behalf of his appointment, in order that they may not continue without a Judge of their own choice, or be longer debarred the enjoyment of a privilege secured to them by Treaty, and which is of the most essential importance in that City where they have so many commercial interests.

I have the honour to be, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed)

R. B. HOPPNER,

Enclosure 2 in No 22.

R. B. Hoppner, Esq. to the Viscount de Santarem.

Lisbon, 24th March, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to refer His Excellency Viscount de Santarem to the Note which he addressed to His Excellency on the 15th February last, respecting the nomination of the Dezembargador, Sñr. João Manoel de Oliveira, as British Judge Conservator at Oporto, and to request His Excellency will, without further delay, inform him of the intention of the Portuguese Government with regard to the confirmation of his appointment, as he can no longer omit laying the case before his own Government, without rendering himself liable to the charge of neglecting his duty: the right of the British Residents in Portugal to have a Judge Conservator of their own choice, being one of the privileges accorded to them by ancient Treaties with this Country, of which His Britannic Majesty's Government is the most tenacious.

The Undersigned has the honour, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 23.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 9.)

(Extract.)

Lisbon, 25th March, 1831.

ALTHOUGH they are not equally secure with regard to Great Britain, their conduct of late evinces a sufficiently hostile feeling towards the English, and a determination no longer to observe any measures with regard to them, let the consequences be what they may, and pretty strong hints have been given to the British Residents of late, that they must not expect to continue in this Country on the same footing as they have hitherto done, their privileges being openly violated, and their greivances left unredressed, although the Portuguese Ministry have been assured of the determination of His Majesty's Government not to pass over any attacks upon them with impunity. A feeling of general dismay prevails amongst the English in consequence, and it were vain for me to attempt to inspire them with a confidence in their security which I am very far from feeling myself.

M. de Santarem has availed himself of the circumstance of this being Lady-day, to decline seeing me, so that I have had no opportunity to enforce verbally the reclamations which it has been this week incumbent on me to make to the Portuguese Government, on behalf of British rights and privileges.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed)

R. B. HOPPNER.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 9.)

My Lord,

Lisbon, 26th March, 1831.

IN my Despatch of the 21st February, I ventured to assure your Lordship, that so long as the English Government appeared satisfied with the excuses adduced by that of Portugal on every occasion of complaint brought before them of the violation of the Treaty of 1810, His Majesty's Subjects, resident within these Territories, would not be secure against repeated acts of aggression on the part of the Authorities of the Country, no regard being had to the privileges intended to be secured to them by that Treaty, and every frivolous pretext being sufficient to expose them to the most unparalleled attacks. The animosity which prevails here against strangers of every Nation, but more especially the English and French, the unjustifiable insult offered to the person of Mr. O'Neill, and the shameful outrage committed on Mr. Caffary's establishment, fully warranted me in entertaining such an opinion. Not the slightest excuse for either of these acts has been made by the Portuguese Government up to the present period, and scarcely have they expressed any regret at their occurrence; M. de Santarem indeed assured me, both verbally and by writing, that such orders had been issued to all the Magistrates as would prevent the repetition of any similar acts of violence, but the event has proved that I was not wrong in doubting the efficacy of such orders, which I was well assured would not be respected even until they could be made generally known throughout the Country.

It is but justice to the British Merchants to say, that I have seen nothing in their conduct to warrant the hostile feeling that prevails among the ultra party here against them. Generally speaking they are a highly respectable body, and though none of them perhaps are favourably disposed towards the present head of the Government, I have found all those I have conversed with extremely moderate in their sentiments, and common prudence would make them cautious in giving utterance to them in any manner that could bring them to the knowledge of a Government which punishes the presumption of guilt with the same severity as the most perfect evidence of it. Their very natural wish is, that things should be settled in such a manner as may permit them to follow their avocations without fear or molestation, and it must be indifferent to them who sits on the throne of Portugal, provided his Government be one which they can look to for protection and encouragement.

The accompanying Copy of a Letter addressed to me by Mr. Roberts, a respectable English Merchant, residing in the out-skirts of this City, will, I am convinced, satisfy your Lordship of the justice of the preceding remarks, and that I have formed no erroneous opinion of the character of this Government. I immediately addressed the enclosed Remonstrance to M. de Santarem, and have to-day received his answer, together with the justification attempted by the Intendant of Police of this transaction; and I beg leave to observe, that in a case like the present, where an individual finds his house forced, and his personal safety endangered, in the middle of the night, he may be very excusable in not producing his Carta de Privilegios, while in this Country, and with a Police such as is established here, it is not very easy to believe that he could have occupied a house in any situation whatever for several years without the same being known to the competent Authorities.

I have the honour to be, &c.

Viscount Palmerston,
 &c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 24.

Mr. Roberts to R. B. Hoppner, Esq.

Sir,

Lisbon, 22nd March, 1831.

I BEG permission to state to you an occurrence which took place at a very early hour this morning, and whilst it necessarily threw me and my family

into the greatest alarm, I consider to be a direct and gross breach of the privileges secured to me by Treaty, as a British Subject residing in Portugal, and here recognized as such by public document. I reside in the Val de Pereira, in a Quinta called Quinta do Torrinho. About 2 o'clock this morning, I was forced awake by a violent knocking at my house door, and having risen immediately and proceeded to it, demanded who was there, when I was ordered to open the door. I replied, I was an Englishman, and would not open the door until I knew by whose authority.

"Open the door in the name of the King" was given from the outside.

Question. I then said, "who are you?"

Answer. "Ministro, Escrivao e Tropa."

Question. "Do you bring an order from the Juiz Conservador?"

Answer. "Abra a Porta."—(open the door).

The party immediately commenced to break open the glass door, outside the regular door, when I called out, that it was against the privileges of a British Subject; to which the answer was, "nao importa."—(no matter.)

As it was evident they were determined to break into the house, and Mrs. R. and my two children were very much alarmed, I at last consented to open the inner door, and having done so, I found that the outer glass door had been partially forced open. Then there appeared a person in a capote (cloak), who said he was a Ministro, accompanied by three other persons, who called themselves Escrivaes and Alcaides. There further entered along with them about a dozen Soldiers. The Ministro then told me he had orders to search my house, to see if there was any person concealed, and proceeded along with the whole party to search every room of the house, stable, &c. Before their doing so, however, I stated to the Ministro, that I solemnly protested against their proceedings, as being against the British Treaty, and that I only opened the door on account of a superior force, to which he replied, if I had not opened the door, I should have become "reo" (criminal), and been made a prisoner, and that Englishmen had no privileges that prevented the right of search: a Serjeant further said that in the case of resistance I ought to be taken to the Castle. I replied, that we had such privileges, and our Conservator only could make such a search a legal one, and that by an order direct from him.

I then asked the Ministro his name, and to what Bairro, (District) he belonged; he replied, that if I wished to know, I might enquire at the Intendant of Police. I then said that we should see the following day by whose order, and by what right, my house had been insulted. The party having satisfied themselves with the search, quitted my house, leaving a Sentinel armed with musket at the door, which Sentinel would not allow me to close the doors, until having spent an hour in that situation, he said, "I am going away, you may shut the door now."

I shut the door accordingly, but until four o'clock a Soldier remained parading the Terrace, level with the door at which the previous Sentinel had been placed. There were several Soldiers placed at the outer door of the garden. The strong party that entered, in order to have more ready access to the house itself, broke the lock of a small gate which leads to the Terrace I have already alluded to. As soon as day break allowed me to see distinctly, I opened my window, when I discovered my visitors departing, consisting of about 40 Soldiers. The Soldiers who I was able to distinguish when in the Quinta and about me, belonged to the 16th Regiment; I observed no Police Soldiers.

I have now stated to you the simple facts of the case, and I cannot hesitate in believing you consider I have just reason to complain of the proceedings I have detailed, which are alike distressing to me individually, and in the face of every solemn Treaty between the two Countries. It is not my business, nor my wish to make further comments on them, but I have the proud satisfaction to know that the present representation will receive all the attention that is due to it from a British Consul, anxious at heart to protect,

not only the peace and security of every Countryman, but to maintain inviolable their acknowledged rights and privileges in a Foreign Country.

I am, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed)

WILLIAM ROBERTS.

Enclosure 2 in No. 24.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 22nd March, 1831.

THE enclosed Copy of a Letter which has been addressed to the Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, by Mr. Roberts, an English Merchant, residing at Val de Pereira, in the outskirts of this City, will bring to the knowledge of his Excellency Viscount de Santarem, a fresh act of aggression against the rights and privileges accorded to British Subjects by the VIIth Article of the Treaty of 1810, equally unjustifiable as those which it has been already the duty of the Undersigned to complain of, equally opposed to the laws of hospitality and to that principle of moderation, which it has been, and is, the anxious wish of His Britannic Majesty's Government to see re-established in this Country.

If it was the duty of the Undersigned to complain of former aggressions on the persons and property of His Britannic Majesty's Subjects, resident here by the sanction, and under the protection of the Laws of the Country, as being unwarranted even by the presence of any public and recognized authority, how much more so is it incumbent on him to remonstrate against the present, which becomes by assuming a semblance of law, whilst it is in direct and open violation of the letter and spirit of the Treaty, the immediate act of the Government of the Country, nor, after the assurances, both verbal and written, which the Undersigned has received from his Excellency of orders being issued to the Magistrates with regard to British Residents, can it, in the present instance be alleged, that the aggression was committed by them in ignorance of the protection to which they are entitled.

Either the privileges accorded by Treaty to His Britannic Majesty's Subjects are to be respected or not: if not the Treaty becomes, in fact, a dead letter, and it is better that the British Residents should be informed at once that they must not look to any protection from its Stipulations in their favour; and that every pretext, however groundless, may be alleged against them, to render them liable to the harrassing and persecuting system which it is thought proper to adopt for the maintenance of the Government. They will then know what they have to look forward to, and may take measures either to quit a Country where their ideas are obnoxious and their most innocent actions become a subject of jealousy, or to provide by means of precaution, such as in the guiltless pursuit of their avocations they have never hitherto deemed necessary, against the consequences of their residence in a Country where they can claim no protection, and where it is very apparent, that they are not likely to find any.

The Undersigned cannot but feel warmly on a subject of such vital interest to his Countrymen, to watch over whose persons and property he was sent to Portugal, and where he perceives that his presence is of so little avail for the protection of either. He trusts, however, that the warmth of his feelings has not betrayed him into any expressions which will not appear perfectly justifiable in the eyes of his Government, to whose consideration it will be his duty to refer Mr. Roberts's complaint, with his remonstrance upon it, by the earliest opportunity, and he trusts that his Excellency Viscount de Santarem will afford him the means at the same time of acquainting His Majesty's Secretary of State, of the views of this Government with respect to the privileges of His

Britannic Majesty's Subjects, in order that His Majesty's Government may know what measures it may be proper for them to adopt for their protection.

The Undersigned has the honour, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
&c. &c. &c.

Enclosure 3 in No. 24.

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir, *Palace of Queluz, 26th March, 1831.*

HAVING ordered the necessary inquiries to be made as to the fact which occurred with regard to Mr. Roberts, a British Subject, and which formed the object of the Note you addressed to me under date of the 22d instant, the result has been, (according to the Report of the Intendant-General of Police, whereof I transmit you a Copy inclosed,) the knowledge of the individual in question not having complied with the Laws and Regulations of Police; in consequence of which the Authorities felt that they could not, on his mere assertion, consider him as a British Subject.

I also avail myself of this opportunity to declare to you, that if on the one hand, the Government of His Most Faithful Majesty is determined to enforce in favour of His Britannic Majesty's Subjects, the observance of the privileges established by Treaties, (as I have several times repeated to you) and to take proper measures against those who may infringe them, as has already been done by a reprimand conveyed through the Government Official Gazette to a Magistrate of superior grade, and by the suspension of another from the exercise of his functions, on the other it is necessary that British Subjects, in order to the enjoyment of their privileges, should not neglect to observe the Laws and Regulations of the Country.

God preserve you, &c.

R. B. Hoppner, Esq. (Signed) VISCOUNT DE SANTAREM.
&c. &c. &c.

Sub-Enclosure in No. 24.

Report of the Intendant-General of Police.—(Translation.)

Most Illustrious and Excellent Sir, *Lisbon, 24th March, 1831.*

HIS Majesty was pleased to command me, through your Excellency's order of the 23d instant, to report, with the least possible delay, upon the representation, in which Mr. Roberts, a British Subject, complains that the VIIIth Article of the Treaty of 1810 has been infringed in his regard by the circumstance of his house in Quinta da Torrinha, at Valle de Pereiro, having been entered and searched before day-break on the morning of the 23d. (22d.)

In order to know on how weak a foundation this complaint rests, it is sufficient to read Mr. Roberts' representation and then compare it with the Regulamento, (Regulations) and with the tenor of what appears from the books of this Intendancy. Mr. Roberts says, "I reside at Valle do Pereiro," but by the proper entries in the books it appears that, when he applied for his ticket of legitimation last year, he stated his residence to be in the Rua dos Capelistas, No. 17; and if he removed it, he should have acquainted the Magistrates, both of the District he quitted, and that which he entered, as directed by the XIXth Section of the 2d Tit. of the Regulamento of 6th March, 1810, a duty of which he is expressly reminded by the very terms of his ticket of legitimation, in which it is mentioned that within twenty-four hours it ought to be presented to the Minister of the District of his residence.

Mr. Roberts further alleges that he told the Minister he was a British Subject; but as he does not state that he produced his Carta de Privilegios, and the case not being one in which his simple assertion could be relied upon, it is clear that there is no reason for complaint.

In the mean while, in order to ascertain more minutely the circumstances of this occurrence, I ordered the Minister of the Criminal Department of the Ribeira District to report to me upon the subject, and by his Report of this day's date your Excellency will see, not only that Mr. Roberts was incorrect in his statement of those circumstances, but moreover, that not having shewn his Carta de Privilegio, and speaking Portuguese perfectly well, there was no reason to suppose him an Englishman; and much less so, when by the books of the Intendancy, it did not appear that there was any individual, a Subject of His Britannic Majesty, residing in that situation; besides which, privileges are not to be observed, when the persons privileged do not comply with the obligations imposed upon them for their enjoyment.

God preserve your Excellency. ANTONIO GERMANO DA VEIGA,

In the absence of the Chief Officer,

(Signed) ANTONIO H. D'ABREU CASTELLO BRANCO.

Most Illustrious and Excellent Viscount de Santarem.

No. 25.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 9.)

My Lord,

Lisbon, 26th March, 1831.

I BEG leave to transmit to your Lordship the accompanying Letter which has been addressed to me, signed by several British Merchants resident here, and has only just reached my hands. It will, I trust, satisfy your Lordship that I have given no exaggerated account of the alarm prevailing here amongst them, on account of the violent measures resorted to by this Government to maintain their authority.

I have the honour to be, &c.

Viscount Palmerston.

(Signed) R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 25.

Letter of several British Merchants resident in Lisbon to R. B. Hoppner, Esq.

Sir,

Lisbon, 26th March, 1831.

WE, the undersigned British Residents in Lisbon, deeply concerned at the late outrage committed under the authority of a Public Magistrate on the house of our fellow-countryman, Mr. Roberts, between the hours of 1 and 2. A. M., by a civil and armed military Force, are reduced at length to the necessity of representing to you our total want of all confidence, (which this and other late acts have caused) in existing Treaties, and the dangers to which we consider our persons and property exposed.

We therefore earnestly request that you, Sir, will do us the favour to forward our apprehensions to His Majesty's Government, in the firm reliance that it will perceive the real situation in which we stand, and adopt such measures as are consistent with British honour and with British feeling.

We have the honour to be, &c.

(Signed) F. F. SHORE.

FRANCIS ROUGHTON.

THOMAS O'KEEFE.

WILLIAM STALEY.

JAMES DOUGLAS.

JOHN SUGNEL.

NICHOLAS JAMES.

GEORGE DOBSON.

JOHN SMALLPIECE, Jun.

JNO. PARLEY.

THOS. JOSLING.

ALEX. ADAM.

WM. CARRUTHERS.

CHARLES HIGGS.

BENJ. ELLISTON.

S. G. WALKER.

JOSEPH SLATER PLATT.

L. M'ANDREWS.

WM. HALLIDAY.

THOMAS SHANNON.

JOHN ADAM.

WM. S. BURNETT.

DANIEL SHARPE.

JOHN AUGIER.

C. JAUNCEY.

THOMAS PAIGE.

HENRY HINES.

ROBERT MONRO.

R. B. Hoppner, Esq.

&c. &c. &c.

No. 26.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 12.)

Sir,

Lisbon, 1st April, 1831.

IN reference to the Despatches of the 7th and 16th March which Lord Palmerston did me the honour to address to me, I herewith beg to transmit to you for his Lordship's information, Copies of the Notes which I immediately addressed to Viscount de Santarem, in obedience to the Instructions therein conveyed to me.

I have the honour to be, &c.

Sir George Shee, Bart.
 &c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 26.

*R. B. Hoppner, Esq. to the Viscount de Santarem.**Lisbon, 28th March, 1831.*

THE Undersigned, His Britannic Majesty's Consul-General in Portugal, referring His Excellency Viscount de Santarem to the Note which he had the honour to transmit to him under date the 2d instant, and by which he laid before his Excellency, for the consideration of the Government of Portugal, the complaint of two British Merchants residing in Oporto, of the injury their Commerce sustained by the exaction of exorbitant duties on the articles of cotton, twist, and yarn, of which they are importers, has now to communicate to his Excellency the orders which he has received from his Government, to whose knowledge he submitted the abovementioned Documents, to lose no time in calling upon his Excellency for a satisfactory answer to these reclamations, which in the opinion of His Britannic Majesty's Government were strictly conformable to the Stipulations of the Treaty referred to in the Note of the Undersigned already alluded to.

The Undersigned has the honour, &c.

His Excellency Viscount de Santarem,
 &c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 2 in No. 26.

R. B. Hoppner, Esq. to the Viscount de Santarem.

Sir,

Lisbon, 28th March, 1831.

HAVING transmitted to my Government the Statement which I laid before your Excellency on the 14th February last, relative to the outrage committed upon Mr. Caffary's premises at Pedrouços, by a person of the name of Leonardo, acting under an authority which is not recognized by the Laws of any civilized Nation, together with the remonstrance which I felt it my duty to make to your Excellency upon this occasion, I have received Lord Palmerston's orders to intimate to your Excellency, that it is impossible that His Majesty's Government can consider the mere release of Mr. Caffary's Foreman from imprisonment as an adequate atonement and satisfaction for this most unjustifiable and unprovoked outrage, and that they expect such compensation to be made to this individual for his imprisonment and personal injuries, as he is entitled to for the sufferings and insults which he underwent.

I have the honour to be, &c.

His Excellency Viscount de Santarem,
 &c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 3 in No. 26.

*R. B. Hoppner, Esq. to the Viscount de Santarem.**Lisbon, 28th March, 1831.*

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to refer his Excellency Viscount de Santarem to the two Notes which he addressed to his Excellency under date the 3rd and 10th inst., respecting a duty of 30 per cent. levied by the Custom-House in this Port, on a cargo of English Coals imported in the Swedish Vessel *Resolution*.

Having submitted to his Government a Copy of the Correspondence which passed between his Excellency and himself on this occasion, the Undersigned has received Lord Palmerston's orders to repeat and press the Claim, which he advanced in the Notes above alluded to, namely, that this demand should be forthwith revoked, and compensation made to the owners and consignees of the Cargo in question for the losses which they incurred by the said decision of the Custom-House, in violation of the XVth Article of the Treaty of Commerce of 1810.

In acquainting his Excellency Viscount de Santarem with the orders so conveyed to him, the Undersigned has the honour to renew, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
 &c. &c. &c.

No. 27.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 12.)

My Lord,

Lisbon, 2nd April, 1831.

BY the last Packet, I had the honour to transmit to your Lordship a complaint addressed to me by Mr. Roberts, a respectable English Merchant resident here, together with the remonstrance which I had, in consequence, addressed to M. de Santarem, and the answer I had received from that Minister. I also forwarded to your Lordship a representation addressed to me by several British Merchants, which, together with M. de Santarem's answer, reached me only in time to send them to your Lordship, without permitting me to make such observations upon the latter, as naturally presented themselves to me on the perusal of such a Document.

The futility of the reasons adduced in justification of this assault on the house of a quiet and unoffending person, will not have escaped your Lordship's observation, and I could not allow such a defence to pass without the reprobation it deserved, especially seeing the alarm which the attack on Mr. Roberts' house had produced in the minds of the British Residents here. Accordingly, I addressed the Note of which I have the honour herewith to enclose a Copy for your Lordship's information, to Viscount de Santarem, and your Lordship will perceive, that I did not permit this opportunity to pass without pointing out to the Government, the impossibility of their being allowed to continue any longer the hostile system they have of late adopted with regard to the Subjects of His Majesty, resident in this Country, unless they are determined to exhaust the patience of His Majesty's Government, and to call down their just retribution upon them.

In addition to the complaints which it has already been my duty to transmit to your Lordship, others of a minor nature, but sufficiently proving this unfriendly spirit, are of almost daily occurrence here. His Majesty's Subjects are, as your Lordship will perceive by the enclosed Letter, and the Note I have addressed in consequence to Viscount Santarem, vexed by demands for the payments of a tax on Commerce called the *Manejo*, from which they are expressly exempted by their Carta de Privilegios, and by Decrees of the Portuguese Government, issued with this particular intention; and the case of Mr.

Hockly, a British Merchant, as detailed in the enclosed Paper No. 3, are a further demonstration of the same feeling.

While the Portuguese Government are indulging in these indications of their ill will, no steps are brought to my knowledge as being taken by them to repair the injuries which they have inflicted on our Commerce, or the insult offered in the case of the *St. Helena*, to Officers wearing His Majesty's uniform. The Captain of the *Diana* still walks the streets of Lisbon, secure of impunity, if not of approbation, on the part of his Government, and the repeated demands which have been made for compensation for the losses suffered by our trade, in consequence of his unjustifiable and illegal conduct, when in the command of the Squadron which blockaded Terceira last year, are hitherto left without even an acknowledgment that they have been received.

I consider it imperatively my duty to bring this state of things to your Lordship's knowledge without further loss of time, so fully am I convinced that any longer endurance on the part of His Majesty's Government, will only encourage the Portuguese Authorities, in their blind and presumptuous belief that the system of non-interference hitherto observed with regard to this Country, leaves it open for them to indulge in every unfriendly feeling towards other Nations, while it will secure them against any measures of retaliation which might chance to compromise their security.

Not having seen the Viscount Santarem yesterday, I waited on his Excellency to day by appointment, when his Excellency endeavoured to persuade me that I had taken a wrong view of the sentiments of his Government towards Great Britain, and that they were intimately persuaded not only of the advantage, but the necessity, of maintaining the most friendly relations with His Majesty's Government. I replied, that although that might be the opinion of some individuals of his Government, I was convinced that it was not the general sentiment; and that, at all events, my Government would form its judgment upon facts, and not merely upon opinions. He, however, again insisted, that this was the universal sentiment of all his Colleagues. He promised to give me in the course of next week a satisfactory answer to the different Claims which it has been incumbent on me lately to address to him.

I have the honour to be, &c.

Viscount Palmerston.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure 1 in No. 27.

R. B. Hoppner, Esq. to the Viscount de Santarem.

Sir,

Lisbon, 28th March, 1831.

I HAD the honour to receive, on the 26th inst., your Excellency's Letter, with its Inclosure, in reply to the one I addressed to you on the 22nd, relative to the complaint made by Mr. Roberts, of the infraction of his privileges as a British Subject, by persons acting under the orders of the Intendant of Police, and have transmitted it to my Government, together with Mr. Roberts's statement, who will well know how to appreciate the justification offered by the Magistrate, of his violent proceeding on this occasion. So futile are his reasons, that I can scarcely deem it necessary to offer any observations upon them, to convince your Excellency that they cannot for a moment have altered my opinion of this transaction, in which I am further confirmed by the unfriendly spirit which dictated his attempt to maintain it.

Mr. Roberts states in his Letter, that he is residing in Val de Pereira, while in the books of the Police his habitation is entered as being in the Rua das Capellistas. I would ask your Excellency, whether it is contrary to the Laws of this Country to occupy a second house as a summer residence, and wherein Mr. Roberts has transgressed its laws and regulations, when he assigned his fixed and permanent establishment in the City as that of his regular place of abode,

in taking out, in conformity to them, his billet of residence at the Police? I also beg to inquire whether, every time an individual moves from his house in town to that in the country, although only in the outskirts of Lisbon, it is necessary for him to notify to the Juiz do Bairro his intention to do so? Certainly not.

Again, I would ask your Excellency if, in this Country, it is possible, or even probable, that a person should occupy the same house as a country residence for ten years together, without its reaching the knowledge of the Police that the house in question was in the occupation of such an individual? Your Excellency's answer must be in the negative.

Allow me further to ask your Excellency, whether, when at midnight, a peaceable and timid person is disturbed in his rest, and roused from his sleep, by an attempted forcible entrance into his house, against which he appeals as soon as he discovers that the violence is committed by persons assuming to be the Agents of Government, he is expected to be so fully master of himself as to fly at once to his Carta de Privilegios, as a security against such an unlooked for and alarming assault. Can your Excellency give me any other answer in this instance than in those I have already adduced?

Again, I would enquire of your Excellency whether, as it is advanced as a charge against Mr. Roberts, that he did not produce his Carta de Privilegios, it was not as much the duty of the said Agents of Government to demand it of him, when, in order to avert their violence, he declared that he was a British Subject, and entitled to protection as such? I already anticipate your Excellency's answer.

As the Intendant of Police lays so much stress on the non-production of Mr. Roberts's Carta de Privilegios, I would enquire of him whether, when the house of Sñr. Marcicano, a Maltese, was forcibly entered by his emissaries, and this individual presented his Carta de Privilegios, any respect was paid to it by them? Did they not, with this Document before their eyes, treat both him and his privileges with the utmost contempt, and convey him to prison, where he was detained in solitary confinement for several days previous to his liberation, no charge being ultimately substantiated against him? Is it with such cases as this upon record, that the Intendant of Police is to tell us, we must bear the consequences of not conforming to the Laws and Regulations of the Country?

But Mr. Roberts speaks Portuguese, and consequently was not known to be a British Subject. It is, then, in the judgment of this Police Magistrate, so unusual for a British Subject, resident for many years in a Foreign Country, and being brought by his occupations into immediate and constant contact with the Natives, to speak the language of that Country; and if he does speak it, is there a Portuguese who, before he has uttered a dozen words, would not detect him as a Foreigner? Besides, as he was able to explain himself so distinctly in the language of the Officers who broke into his house, they could not pretend not to understand him when he declared who and what he was, any more than he misunderstood them, when they replied with a "nao importa."

It is needless for me to say more on this subject, but I cannot help feeling mortified that your Excellency should, by giving your sanction to such a Letter on the part of the Intendant of Police, join with him in entertaining so mean an opinion of my intellects, as to suppose that I can be misled by such shallow and groundless reasons as those he has thought proper to adduce in support of a wanton, and evidently premeditated, attack upon the house of a British Subject, who had a claim, on the contrary, to his protection, to secure him from molestation.

It is not in adducing such examples as those adverted to by your Excellency, that His Britannic Majesty's Government can be satisfied of the sincere intention of that of Portugal, to observe the Privileges accorded by ancient Treaties, to the Subjects of His Majesty resident in this Country, and the infraction of which I have now to complain of; for, they are well aware that, in neither of the two instances alleged, have they produced the smallest effect.

This is not the observance of our privileges which we have a right to look

to. Let it be a bonâ fide observance, and there will be no occasion to seek for trivial excuses for such repeated infringements of them, under one pretext or other. And I would ask your Excellency, what have the English Residents done to forfeit the protection which they are entitled to from the Portuguese Government? They would not dare to commit any act of hostility against it. But it is conjectured that their sentiments are not in unison with yours. And may not this be a gratuitous supposition? If the conduct of this Government is such as it can reconcile with its own conscience, why should it suppose that it does not meet with the approbation of others? What interest can the Merchants and other British Residents, have in the affairs of this Country, than to see such an order of things established here as may secure to them protection and support? If, I repeat it, the Portuguese Government are, in their conscience, convinced that their measures are the best for the welfare of their Country, and not merely in support of any particular object, of what consequence can be to them the opinion of a few Foreign Merchants?

But, Sir, when I look around me, among the well organized Governments of Europe, I do not find them supported by such acts of violence as that committed on the house of Mr. Roberts, and others of a similar nature, against which it has been my painful duty to remonstrate. I see every where their foundations, cemented with the affections of their Subjects, acquired and maintained by the justice and moderation of their principles; I do not find compulsion necessary to obtain the acquiescence of the people in the dictates of a wise administration; neither is it in the order of nature, that a Government, supported by violence, can endure beyond a certain period. Its own energies will destroy it.

I cannot think that, as the Agent of a Power friendly to the Portuguese Nation, and which views with the deepest regret the lamentable condition to which this Country is fast reducing itself, I exceed my commission in offering these observations to your Excellency, for the consideration of your Government. I am only conscious of the most upright intention in doing so, and I entreat your Excellency to believe, that if, in the exercise of my official functions, I am called upon to make use of language such as you are unaccustomed to, and which may sound displeasing to your ears, this can only be attributed to the violent system prevailing here, and involving attacks upon my Countrymen, which I am unfortunately compelled to witness, and which being unexampled in their character, call for an unusual reprobation on my part, to put a stop to them before they proceed to a degree which shall exhaust the forbearance of my Government, and which I am authorized to assure your Excellency, that it cannot and will not permit with impunity.

I have the honour to be, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPNER.
&c. &c. &c.

Enclosure 2 in No. 27.

R. B. Hoppner, Esq. to Viscount de Santarem.

Lisbon, 31st March, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to transmit to his Excellency the Viscount de Santarem, the Copy of a Letter with its Inclosure, which he has received from Mr. Judah Levy, a native of Gibraltar, and Subject of His Britannic Majesty, complaining of the exaction from him of 49.440 reis, on account of the duty called Maneio, from which he is especially exempted, not only by his Carta de Privilegio, but inasmuch as he is not in any line of business that could subject him to the payment of this tax.

The Undersigned, in laying this case before His Excellency Viscount de Santarem, flatters himself that his Excellency will make such representations in the proper quarters as will secure to the complainant an exemption from the above charge, to which for the reasons already mentioned he is so clearly entitled.

The Undersigned avails himself, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPNER.
&c. &c. &c.

Sub-Enclosure A in No. 27.

Mr. Judah Levy to R. B. Hoppner, Esq.

Sir,

Lisbon, 30th March, 1831.

I MOST respectfully beg leave to lay before you a grievance which is as unprecedented as it is unjustifiable on the part of the Portuguese Authorities.

A few days since the Collector of a tax called Maneio, notified me for the payment of 49.440 reis, in which amount it is stated that I had been assessed, and although I have been residing in this City now upwards of 42 years, I never before have been applied to for payment of any such tax; nor can it fairly apply to me, as I am not concerned in any trade or business whatsoever; besides, in the year 1795 I applied for, and took out, my Carta de Privilegios, wherein I am declared free from this impost of Maneio, as well as other decimas or duties.

In the year 1812, when Foreigners resident in this Country were called upon to pay the "Contribuição Extraordinaria de Deseza," a Decree was issued by the Governors of the Kingdom, dated 2nd July, 1812, the Vth Article whereof most unequivocally exempts British Subjects from payment of this Maneio Tax; and a further Aviso signed by the Governors of the Kingdom, and dated the 18th July, 1814, also states that wholesale British Merchants are to be exempted from the payment of this tax, and which will successfully appear, on reference to those Official Documents, Copies of which I beg leave to subjoin for your inspection.

This, Sir, I regret is not the only grievance of which I have to complain. It has been my misfortune to have had transactions in trade with a countryman named John Fletcher, many years established in this City as a British Merchant, and in very affluent circumstances, whereby he remains owing me a considerable sum, arising chiefly from his suffering his Bills of Exchange to lay over in my hands protested and unpaid; and has by his chicanery, and the defects of the administration of the laws of this Country, bid me defiance at law now for upwards of 30 years standing, with little or no intermission; the expences of which have ruined me, and reduced me to beggary and want. Another proof, if any is wanting, of the little regard now paid by this Country to Treaties of Commerce, or to their own public Edicts, Avizos, or Cartas de Privilegios, as by Treaty between this Country and Great Britain, of 1654, one of its Articles (the 7th) expressly stipulates, that all Law-suits after being sent to the Relação, shall terminate and be decided within the space of four months.

Thus, Sir, deprived of my property and reduced to penury and want, threatened with the sequestration of my little furniture, and being thrown into the streets, I am under the necessity of applying to you for protection, in the hope that you will take such measures as you may judge expedient to prevent my entire destruction, on account of this illegal assessment demanded of me in violation of British Privileges and against the Royal Decree of 9th July, 1669.

I beg to enclose you an authenticated Copy of my Carta de Privilegio, accompanied by a Copy of the Petition made to the Superintendent of the Maneio Tax, to which he has given no satisfactory answer.

R. B. Hoppner, Esq.

I have the honour to be, &c.

&c. &c. &c.

(Signed)

JUDAH LEVY.

Enclosure 3 in No. 27.

R. B. Hoppner, Esq. to the Viscount de Santarem

Lisbon, 30th March, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has the honour to transmit to his Excellency Viscount de Santarem, the Copy of a Letter which has been addressed to him by Mr. Hockly, a British Merchant recently arrived in Lisbon, detailing the harsh measures adopted against him by the Authorities of Elvas, acting under orders emanating from this Government, in consequence of which, he has, without any adequate cause, been exposed to the ignominy of being conveyed across the Frontiers of the Country as a criminal, and put to a very serious expence and inconvenience.

It is scarcely necessary for the Undersigned to make any observations on this transaction, which as appears by the assurance given by the Intendant-General of Police to Mr. Meagher, when that Gentleman spoke to him on the subject, has occurred with the cognizance and consequent approbation of his Excellency. It may be justified by the spirit of the Police Regulations of this Country, though it is not according to their letter; yet the Undersigned viewing it in connection with other recent occurrences in violation of the rights and privileges hitherto enjoyed by British Subjects in Portugal, cannot but consider it as a manifest proof of the unfriendly spirit now prevailing on the part of this Government, against the Subjects of His Majesty, and which he will consider it his duty to represent to His Majesty's Ministers with as little delay as possible.

The Undersigned has the honour, &c.

His Excellency Viscount de Santarem.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Sub-Enclosure B. in No. 27.

Mr. Hockly to R. B. Hoppner, Esq.

Sir,

Lisbon, 30th March, 1831.

PERMIT me to lay before you the statement of an occurrence that has caused me no small expence, loss of time, and inconvenience owing to the unfriendly, and as I conceive, rigorous treatment I have met with from the Portuguese Authorities, as a British Subject.

For these two years past I have been engaged in mercantile pursuits in various parts of Spain, travelling with a Passport furnished me by the British Minister in Madrid, in November, 1828, and affairs of my house calling me to this City, I left Cordova on the 28th ultimo, with my Passport countersigned by the Spanish Authorities for Badajoz, which was again indorsed there by the Sub-Delegado of Police for Lisbon. As I was aware that a Spanish Consul was established in Elvas, I expected to have found a Portuguese Consul in Badajoz, but was given to understand there was none, and that the signature of the Spanish Sub-Delegado was all that was required.

I arrived at Elvas on the 8th instant, and on presenting my Passport to the Corregidor, he inquired why it was not signed by a Portuguese Consul. I gave in answer what I have already stated, that no such Authority existed either in Cordova or Badajoz. I was told I might retire to my Inn; whither I was accompanied by three Officers of Police, who desired me to open my trunks, and all my papers, which were purely of a mercantile nature, underwent a rigid scrutiny. After this operation was concluded, I received a message from the Juiz de Fora, that I could not be allowed to continue my journey to the Capital, but that he would send my Passport to the Intendant for orders. I immediately addressed a Letter to my friend Mr. Goodair, Merchant of this City, who wrote me, that having made my case known at your Office, you had sent Mr. Meagher the Vice-Consul, to call on the Intendant of Police to remove the difficulty; by whom he was assured that my Passport was then in the possession of Viscount de Santarem, and that he, the Intendant, expected immediate orders would be given to allow me to proceed;—judge my surprize however, when, within half an hour after getting Mr. Goodair's Letter, I was sent for by the Juiz de Fora, who told me he had received orders from Lisbon to send me immediately out of Portugal, and to warn me upon pain of rigorous imprisonment, not to present myself again in the Country without my Passport being duly signed by some Portuguese Authority. All remonstrances were vain, although the Judge himself admitted, that no suspicion whatever attached to me, but solely this alleged informality. I was immediately handed over to an escort of Cavalry, with directions to see me over the Frontiers, who conducted me out of the Town exposed to the gaze of the Populace, busy in their conjectures upon the nature of my crime.

I had therefore no remedy but to proceed to Seville, to get my Passport indorsed, with which I returned to Elvas, a distance of nearly *eighty leagues*, and yesterday arrived here.

I most respectfully submit to you, Sir, the unnecessary harshness and cruelty of this proceeding. There could not be the least doubt of my identity.

My Passport has at least one hundred Visas ; and after the assurance given by the Intendant of Police to your Vice-Consul, I consider his order to the Corregidor to be an infraction of the VIIth Article of the Treaty of 1810, which declares that " British Subjects shall have a free and unquestionable right to travel in Portugal."

My only object now in laying this case before you, is to exhibit the manner in which I have been treated by the Authorities of a Nation always considered as the friendly Ally of Great Britain.

R. B. Hoppner, Esq
&c. &c. &c.

I have the honour to be, &c.

(Signed)

THOMAS HOCKLY.

No. 28.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 26.)

My Lord,

Lisbon, 9th April, 1831.

IN my Despatch of the 2d instant, I had the honour to inform your Lordship of the assurances given to me by Viscount de Santarem that in the course of the present week, a satisfactory answer would be given by his Government to the various Notes which have been addressed to him so repeatedly, respecting the cases so long pending of indemnification for the injuries inflicted on the Commerce of His Majesty's Subjects, by the unjustifiable conduct of the Terceira Squadron: for the insult offered by the Captain of the Portuguese Frigate *Diana* to the British Officer who commanded the *St. Helena* Packet, and the other complaints which from time to time have been made of the vexatious proceedings resorted to by the Agents of this Government against the Persons and property of His Majesty's Subjects resident in, or trading with this Country. These assurances His Excellency repeated to me at the interview I had with him yesterday, upon which occasion I again stated to him, that unless his answer was perfectly satisfactory, it would be superfluous for him to transmit it, as His Majesty's Government was determined no longer to submit to any attempts at delaying the decision of these just claims to which that of Portugal might still have recourse, in pursuance of their usual system of procrastination. I have now the honour to transmit to your Lordship, a Copy and Translation of the Note which I have this day received from the Minister for Foreign Affairs in fulfilment of his promise, upon which it is unnecessary for me to make any remark as your Lordship will perceive that it leaves the various questions in dispute precisely as they previously stood, while an indemnification is promised in the case of M. Caffary's Foreman, which will be subjected to the same vexatious delay as the others whenever His Majesty's Government shall state the amount to which they consider him entitled for the insult and injuries inflicted upon him.

In the case of the *Ninus*, the Documents respecting which, your Lordship will receive by the present Packet, M. de Santarem told me that it was the intention of his Government, to appoint, on their part, Surveyors to examine the state of the Vessel, and the injuries reported to have been sustained by her; to which I merely replied that there would be no objection to their doing so: but that I had no doubt he would find the statements correct as they had been drawn up by sworn Surveyors of the Senate; and I hoped that whatever was done would take place as speedily as possible, as the unfortunate Owner of the Vessel had been brought to the verge of ruin by the detention of his Vessel, and the vexatious Suit he had been compelled to enter into, in order to obtain her restitution. Here again it will be obvious to your Lordship that this measure is resorted to merely with a view of retarding their decision upon this case to an unlimited period, notwithstanding the injury already inflicted upon the Owner by the detention of his Vessel since the month of May in last year.

As I am not aware that I can urge these cases with Viscount de Santarem in stronger terms than I have already done, I must await your Lordship's instructions as to any ulterior proceedings that may be deemed necessary with regard to them.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPNER.

Enclosure in No. 28.

Visconde de Satarem to Sir R. B. Hoppner.—(Translation.)*Palace of Queluz, 9th April, 1831.*

HAVING conveyed to the knowledge of His Majesty's Government, your Official Communication to me under date of the 28th March last, in which you informed me that His Britannic Majesty's Government, not deeming the liberation of the Individual belonging to Mr. Caffary's establishment an adequate satisfaction, expect that an indemnification should be moreover made to him proportioned to the inconvenience he sustained through his imprisonment, His Majesty has been pleased to resolve that such indemnification should be made, as a demonstration of courtesy towards His Britannic Majesty's Government, as well as a mark of His Majesty's disapprobation of the proceedings complained of.

With regard to the other points of which your said Communication treats, His Majesty's Government is anxiously endeavouring to bring them to a final settlement, as I mentioned to Mr. Mackenzie in my Note to him on the subject; and I hope I shall soon be enabled to reply to you fully.

God preserve you.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

No. 29.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 27.)

(Extract.)

Lisbon, 15th April, 1831.

I ADDRESSED the letter, of which the enclosed is a copy, to Viscount Santarem, pointing out to him the futility of his last notes, and insisting upon such an immediate reply as His Majesty's Government had a right to expect at his hands after so much delay and evasion.

Viscount Palmerston,
&c. &c. &c.

I have the honour to be, &c.

(Signed) R. B. HOPPNER.

Enclosure in No. 29.

R. B. Hoppner, Esq. to Viscount de Santarem.

(Extract.)

Lisbon, 12th April, 1831.

I CANNOT conclude this letter without again urging your Excellency for an immediate answer to the different demands, which in the name of my Government I had the honour to address to you. The orders which I have received from His Majesty's Secretary of State are peremptorily to insist on an immediate and satisfactory answer to the claims for indemnification advanced on behalf of His Majesty's subjects, whose property has been so seriously injured by the Portuguese squadron blockading Terceira: to require the instant and public dismissal from the Portuguese service, of the captain of the *Diana*, who, in the most unofficerlike manner presumed to insult the commander of the *St. Helena* packet, bearing His Majesty's commission: for an immediate compensation to Mr. Caffary's foreman, commensurate with the insult and injuries inflicted upon him; and other demands affecting the nonexecution of the Treaty of 1810, to the prejudice of the commerce of His Majesty's subjects with this country,—your Excellency's note of the 9th instant, being in substance merely a repetition of others transmitted by your Excellency as far back as the 20th of August last, cannot be deemed satisfactory on these points; nor can I, with the positive instructions which I have already received from my Government, await further orders from England to again urge these claims, and to request that they may be definitively settled without further evasion or delay.

I have the honour to be, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 15th April, 1831.

HIS Majesty's Government have taken into their serious consideration all the recent insults which the Portuguese Government have offered to the British Nation, the outrages which they have committed upon the persons and property of British Subjects, and the violations of which they have been guilty of the Treaties subsisting between the two Countries; and His Majesty's Government feel it to be their duty to their Sovereign on the one hand, and to His Majesty's Subjects on the other, that they should instruct you to make to the Portuguese Government a peremptory demand for immediate and full redress.

You will therefore proceed without delay to the Viscount de Santarem, and recapitulate to him the grounds of complaint, the details of which are stated in the accompanying Paper, and upon which His Majesty's Government found their present demand.

You will state that His Majesty's Government cannot permit the rights and privileges of His Majesty's Subjects to be violated with impunity, nor the honor of the British Flag to be insulted without atonement.

They therefore demand, 1st, That the Captain of the *Diana* shall be dismissed the Portuguese Service forthwith, and that the fact and cause of his dismissal shall be publicly notified in the next Number of the Official Gazette published at Lisbon.

2. That the Magistrates or other Authorities who ordered or executed the outrages upon Mr. Roberts, Mr. Caffary's Foreman, and Mr. O'Neill, shall forthwith be removed from their offices, and that their dismissal, and the causes thereof, shall likewise be notified in the next Number of the Official Gazette published at Lisbon.

3. That the compensation due to the owners of the Vessels illegally captured off Terceira, for loss and damage sustained by them in respect of the ships and their cargoes, shall be paid within a month after the receipt of this Despatch.

4. That the Officer who attempted to levy upon Mr. Judah Levy the tax from which his Carta de Privilegios stated specifically that he was exempt, shall be severely and publicly reprimanded.

5. That orders shall be given, effectually to protect British Subjects traveling in Portugal, from the molestation which was suffered by Mr. Hockly on his entering the Portuguese Territory from Badajos.

6. That adequate compensation shall be made to the several British Subjects referred to in the accompanying Memorandum, for the personal injuries and sufferings to which they have been exposed, in violation of the Treaties subsisting between the two Countries.

7. That the Judge Conservator, Carneiro e Sa, shall be immediately removed, in compliance with the requisition of the British Residents at Oporto.

You will clearly explain to M. de Santarem, that these demands admit of no modification or negotiation, and you will require a categorical answer, affirmative or negative, within ten days; and you will inform M. de Santarem what are the reprisals which the Naval Commander of His Majesty's Ships off the Tagus, and off Oporto, is ordered to make in the event of a refusal, or should no answer be given within the above-mentioned time.

Should you not receive an affirmative answer at the expiration of ten days, you will communicate that fact to the Officer commanding His Majesty's Squadron off the Tagus, that he may carry into execution the Instructions with which the Lords of the Admiralty have furnished him; and you will at the same time yourself quit Lisbon, and repair on board His Majesty's Ship, the *Briton*, giving Captain Markland notice of your removal three days before you actually go on board.

You will immediately, upon the receipt of this Despatch, communicate to the British Residents in Lisbon the contents of these Instructions, and the contingent orders given to Captain Markland, in order that they may take such steps as they may think necessary for their own security, whatever may be the result of your application to the Viscount de Santarem.

R. B. Hoppner, Esq.

&c. &c. &c.

I have the honour to be, &c.

(Signed)

PALMERSTON.

Enclosure in No. 30.

Statement of Cases of Grievances against Portugal which are unredressed.

PREVIOUSLY to entering upon the above statement, it may be right to draw attention to some provisions of the Treaty of 1810.

In Article VII. it is stipulated that the Subjects of each of the High Contracting Parties shall have a free and unquestionable right to travel, and to reside within the territories of the other, to occupy houses, and to dispose of personal property of every sort without the smallest hindrance. They shall not be compelled to pay greater taxes than are paid by the Native Subjects; they shall be exempted from compulsory military service. Their dwelling-houses, warehouses, and all the parts and appurtenances thereof shall be respected. They shall not be liable to any vexatious visits and searches, nor shall any arbitrary examination or inspection of their books, papers, or accounts, be made under colour of the Supreme Authority of the State. It is, however, to be understood, that in the cases of treason, contraband trade, and other crimes, for the detection of which provision is made by the law of the land, that law shall be enforced, it being mutually declared that false and malicious accusations are not to be admitted as pretexts or excuses for vexatious visits and searches, or for examinations of commercial books, papers, or accounts, which visits or examinations are never to take place except under the sanction of the competent Magistrate, and in the presence of the Consul of the Nation to which the accused Party may belong, or of his Deputy or Representative.

By Article X. His Royal Highness the Prince Regent of Portugal grants to the Subjects of Great Britain the privilege of nominating Special Magistrates, to act for them as Judge Conservator in those Ports and Cities of His Dominions in which Tribunals and Courts of Justice are established. They shall be chosen by the plurality of British Subjects resident at that place, and the choice so made is to be transmitted to His Britannic Majesty's Ambassador, to be by him laid before His Royal Highness the Prince Regent of Portugal for confirmation.

The removal of the Judge Conservator in cases of neglect of duty or delinquency, is also to be effected by an application to His Royal Highness, through the channel of the British Ambassador or Minister at His Royal Highness's Court. The Stipulations of Article XV. provide, that all goods, merchandizes, and articles whatsoever, the produce, manufacture, industry, or invention of the Dominions and Subjects of His Britannic Majesty, shall be admitted into the Dominions of His Royal Highness the Prince Regent of Portugal, as well in Europe as in America, Africa, and Asia, whether consigned to British or Portuguese Subjects, on paying generally and solely duties to the amount of 15 per cent., according to the value which shall be set upon them by a Tarif, the principal basis of which shall be the sworn invoice cost of the aforesaid goods, merchandize and articles. The Tarif to be settled by an equal number of British and Portuguese Merchants, His Britannic Majesty's Consul, and the Administrator-General of the Customs.

The above are the Clauses of the Treaty of 1810, that bear upon the grievances, of which the following is the detail.

CASE I.

During the months of June and July last, the Squadron blockading the Island of Terceira, by order of the Portuguese Government, illegally, and under various groundless pretences, captured four British Vessels, and sent them first to St. Michael's, and subsequently to Lisbon for condemnation.

For these captures redress was demanded, in a Despatch, dated the 3rd of August, and conveyed to Lisbon by His Majesty's Ship *Galatea*, and it was required that the Vessels should be restored, and compensation made to the Owners for the losses and damages sustained by their capture. The Vessels were restored immediately after the arrival of the *Galatea*, viz. on the 18th

and 19th of August, but the compensation demanded has not yet been paid. One of the Vessels so captured, was the *St. Helena*, with respect to which a graver question arose, in consequence of an insult offered to the Naval Service of England.

This Schooner had been brought into Sierra Leone, by the survivors of a massacre committed by Pirates, and Captain Gordon of His Majesty's Ship *Athol*, Commodore on the African Station, gave Lieutenant Warren, an Officer on half-pay in His Majesty's Navy, a written order to refit the *St. Helena*, and to proceed to England with Despatches, and with the invalided Officers and Men of the African Squadron.

On the 16th of July, when about 16 miles from Terceira, the Schooner was boarded by an armed Boat from the *Diana*. Lieutenant Warren shewed Captain Gordon's Order and the Vessel's Papers to the Commander of the Portuguese Frigate, but without effect, for after having been treated with every indignity and insult, he, together with the invalids, and the Surgeon of His Majesty's Ship *Primrose*, in charge of the sick, was hurried on board the *Diana*.

His Majesty's Consul for the Azores, on remonstrating with the Captain-General at St. Michaels, was informed that the *St. Helena* was suspected of being a Pirate, because she was armed with 4 twelve-pounders, and the Commander had not his Commission or Uniform.

These circumstances were fully explained; but, notwithstanding the explanations given, the *St. Helena* was sent to Lisbon, under a charge of Piracy.

Upon the receipt of these statements, Lord Aberdeen wrote to Mr. Mackenzie, set forth in strong terms the unjustifiable nature of these proceedings, and stated that from whatever cause the outrage had arisen, it was quite incompatible with the honour and dignity of His Majesty, that it should be tolerated. Mr. Mackenzie was then directed to demand from M. de Santarem the immediate restitution of the Vessels, compensation for any losses or injury that they might have sustained, and the dismissal of the Officer commanding the Portuguese Frigate *Diana*, as a just punishment for his cruel and unmanly treatment of the Individuals on board the *St. Helena*, and the audacity with which he had thought proper to regard Officers and invalided Seamen in His Majesty's Service as Pirates.

Lastly, Mr. Mackenzie was directed to inform M. de Santarem, that in case he should not receive in the course of three days, an official assurance that these demands would be complied with, the immediate consequence must be that an adequate force should be directed to the Azores, there to obtain redress for injuries already committed, and effectually to prevent their recurrence.

This Despatch Mr. Mackenzie read to M. de Santarem in a personal interview, at the same time delivering to the Viscount his own representation, as Consul-General, upon the subject. To the personal communication M. de Santarem replied, that he candidly and fully assented to the propriety and extent of all the demands made on his Government, and that the Commanding Officer of the Portuguese Frigate was to be dismissed the Service; while to Mr. Mackenzie's Note, his subsequent answer was that "Don Miguel had resolved to accede to the demand for the liberation of the Vessels, and to direct the necessary Orders for their immediate delivery to be issued," but M. de Santarem makes no further mention of the Captain of the *Diana*.

This answer being considered by Mr. Mackenzie as unsatisfactory, he in consequence again addressed Viscount Santarem on the subject, stating that it appeared to him from the expressions in his Note that the dismissal was not complete, and insisted upon its being executed.

To this renewed demand no answer appearing to have been sent, Mr. Mackenzie was instructed on the 8th September, again to require the dismissal of the Captain of the *Diana*, and further to demand, that his dismissal, and the cause of it, should be notified by the Portuguese Government in the most public manner. In conformity with this instruction, Mr. Mackenzie on the 27th of October, addressed a detailed Communication to Viscount Santarem, in which he recapitulated all the particulars of the cruel conduct of the Captain of the *Diana* to the Officers of the *St. Helena*, in detaining the Vessel under

such a vain pretext, as that of her being a Pirate, when the Commanding Officer shewed his British Commission, and the Crew and Passengers being all British Subjects,—of his obstinate incredulity in refusing belief to evidence that was not only sufficient for a man of sense, but would be convincing to any person inexperienced in maritime affairs,—his audacious ill-usage in wresting the sword from the said English Commanding Officer,—his injurious and ungentlemanlike language to men of honour and character, over whom he had but an illegal superiority of mere force of arms for the time,—his wanton ill-treatment of the invalided Passengers, in separating them from the Medical Officer sent on board the *St. Helena* for their care and superintendence,—his unjustifiable detention of three other British Vessels that could not be suspected even of going into the Island of Terceira, and concludes by assuring M. de Santarem, that this promised dismissal from the Service is *absolutely* indispensable.

To this Communication no reply appears to have been given, and in a Despatch dated the 23rd of December, Mr. Mackenzie informs His Majesty's Government that the Viscount de Santarem continues to treat his renewed applications for the dismissal of the Commanding Officer of the *Diana*, as was promised by his Excellency's Letter, with the same indecision or indifference.

Up to the present time, that Officer continues in the Portuguese Service.

CASE II.

On the 10th of February Mr. O'Neill, a British born Subject, and a gentleman of respectability in Lisbon, called on his neighbours, Messrs. Jozé Marques da Costa, Soares, and Co., Brazil Merchants, who reside on the third floor of his house, with the view of purchasing a parcel of Pernambuco sugar.

On his entrance he observed a Corporal of Police, and another person, in plain clothes, who appeared to be an Officer of Justice, and was about to depart, when they informed him he must not quit the room, but must remain until a Superior Authority had arrived. After he had been detained nearly four hours, during which time the strictest silence was ordered to be observed, this Superior Authority appeared, and proved to be the well-known Serjeant José Verissimo, who immediately enquired who Mr. O'Neill was, and the object of his being in that room. Mr. O'Neill answered his enquiry by telling him that he was a British Subject, and that if he would accompany him down to the first floor, he would show him his Carta de Privilegio, and other proofs of his holding the rank of Danish Consul at Lisbon. This Verissimo refused to do, and disregarding Mr. O'Neill's remonstrances, gave him in custody to the Officer of Justice, and said that he must go before the Intendant of Police where Mr. O'Neill was accordingly taken. The Intendant released him.

CASE III.

On the 11th of February last three armed police soldiers entered the rope manufactory of Mr. Caffary, at Pedrouços, near Lisbon, and took the Foreman into custody. They then entered one of the stores, and, under the pretext that arms and ammunition were secreted there, they trampled upon a quantity of hemp and other property to a large amount, broke open desks containing books and papers, which underwent the strictest examination, and also a chest in which money had been deposited for payment of the workmen's wages, and strewn the contents of it on the ground. At last, not finding anything to justify even a suspicion of the Foreman, they proceeded to acts of personal violence towards him. Finally, they escorted him in an ignominious manner to a guard-house a mile from the manufactory, from whence he was transferred to and imprisoned in a dungeon of Fort St. Julian.

Upon receiving intelligence of this outrage, Mr. Hoppner, the British Consul, immediately remonstrated, and demanded the man's release; but it was not until after a second remonstrance, in which Mr. Hoppner threatened to leave Lisbon should his demand be unattended to, nor until after this British Subject had been confined ten days in Fort St. Julian, without crime or ac-

cusation, that he was at length restored to liberty. No reparation has yet been made to the man for his sufferings, nor to the British Government for this flagrant violation of the rights guaranteed to British Subjects by the Treaties between the two Countries.

CASE IV.

On the 22d of March, Mr. Roberts, a respectable English Merchant, residing in the outskirts of Lisbon, addressed to Mr. Hoppner a Letter of which the following is an extract:—"I reside in the Val de Pereira, in a quinta called Quinta do Torrinho. About two o'clock this morning I was forced awake by a violent knocking at my house door, and having arisen immediately, and proceeded to it, demanded who was there, when I was ordered to open the door. I replied I was an Englishman, and would not open the door until I knew by whose authority.

" 'Open the door in the name of the King,' was given from the outside.

" *Question.* I then said, 'Who are you?'

" *Answer.* 'Ministro Escrivão e Tropa.'

" *Question.* 'Do you bring an Order from the Juiz Conservador.'

" *Answer.* 'Abra a porta' (open the door).

" The party immediately commenced to break open the glass door, outside the regular door, when I called out that it was against the privileges of a British Subject, to which the answer was, 'não importa' (no matter).

" As it was evident they were determined to break into the house, and Mrs. Roberts and my two children were very much alarmed, I at last consented to open the inner door; and having done so, I found that the outer glass-door had been partially forced open. ~~Then there appeared a person in a capote (cloak) who called himself a Ministro, accompanied by three other persons who called themselves Escrivães and Alcaldes.~~ There further entered along with them about a dozen soldiers. The Minister then told me he had orders to search my house to see if there was any person concealed, and proceeded along with the whole party to search every room of the house, stable, &c. Before their doing so, I stated to the Ministro, however, that I solemnly protested against their proceedings, as being against the British Treaty, and that I only opened the door on account of a superior force; to which he replied, if I had not opened the door, I should have become reo, (criminal) and been made a prisoner, and that Englishmen had no privileges that prevented the right of search,—a Serjeant further said, that in the case of resistance, I ought to be taken to the Castle. I replied that we had such privileges, and that our Conservator only could make such a search a legal one, and that by an order direct from him.

" I then asked the Ministro his name, and to what Bairro (district) he belonged; he replied, that if I wished to know, I might enquire at the Intendant of Police. I then said that we should see the following day by whose order, and by what right, my house had been insulted. The party having satisfied themselves with the search, quitted my house, leaving a Sentinel armed with musket at the door, which Sentinel would not allow me to close the doors, until having spent an hour in that situation, he said 'I am going away, you may shut the door now.'

" I shut the door accordingly; but until four o'clock a Soldier remained parading the terrace, level with the door, at which the previous Sentinel had been placed. There were several Soldiers placed at the outer door of the garden. The strong party that entered, in order to have more ready access to the house itself, broke the lock of a small gate which leads to the terrace I have already alluded to. As soon as day-break allowed me to see distinctly, I opened my window, when I discovered my visitors departing, consisting of about forty Soldiers. The Soldiers whom I was able to distinguish when in the Quinta, and about me, belonged to the 16th Regiment;—I observed no Police Soldiers."

This outrage produced so much alarm and indignation among the British Subjects resident in Lisbon, that they immediately addressed to Mr. Hoppner a Memorial, of which the following is a Copy:—

" Sir,

" *Lisbon, 26th March, 1831.*

" We, the Undersigned, British Residents in Lisbon, deeply concerned at
 " the late outrage committed under the authority of a Public Magistrate, on
 " the house of our fellow-countryman, Mr. Roberts, between the hours of
 " one and two, A. M., by a civil and armed military Force, are reduced at length
 " to the necessity of representing to you our total want of all confidence (which
 " this and other late acts have caused) in existing Treaties, and the dangers to
 " which we consider our persons and property exposed.

" We therefore earnestly request that you, Sir, will do us the favor to for-
 " ward our apprehension to His Majesty's Government, in the firm reliance
 " that it will perceive the real situation in which we stand, and adopt such
 " measures as are consistent with British honour, and with British feeling.

" We have the honour to be, &c.

(Signed)

" F. F. SHORE.

and twenty-five more Signatures.

" FRANCIS ROUGHTON.

No redress has been given.

" THOMAS O'KEEFE."

CASE V.

Excessive Duties have been levied in Oporto, upon articles of British Manufacture, as well as a Duty of 30 per cent. on English Coal imported in Foreign Bottoms, all in contravention of the Treaty of 1810. A demand has been made for the removal of this grievance, but the exaction still continues.

CASE VI.

On the 30th of March, Mr. Hockly, a British Merchant, recently arrived in Lisbon, addressed a Letter to Mr. Hoppner, the Acting Consul-General, to the following purport:—For two years he had been engaged in mercantile pursuits in various parts of Spain, travelling with a Passport furnished by the British Minister in Madrid, in November 1828, and the affairs of his house calling him to Lisbon, he left Cordova on the 28th of February, with a Passport countersigned by the Spanish Authorities, for Badajos, which Passport was again indorsed there, by the Sub-Delegado of Police, for Lisbon. Being aware that a Spanish Consul was established in Elvas, he expected to have found a Portuguese Consul in Badajos, but was given to understand that there was none, and that the signature of the Spanish Sub-Delegado was all that was required.

He arrived at Elvas on the 8th March, and on presenting his Passport to the Corregidor, the latter enquired why it was not signed by a Portuguese Consul; the reply was, that no such authority existed either in Cordova or Badajos. Mr. Hockly was then told he might retire to his Inn; whither he was accompanied by three Officers of Police, who desired him to open his trunks, and all his Papers, which were purely of a mercantile nature, underwent a rigid scrutiny. After this operation, he received a message from the Juiz de Fora, that he could not be allowed to proceed to the Capital, but that his Passport would be sent to the Intendant for orders. He immediately addressed a Letter to his friend, Mr. Goodair, Merchant, of Lisbon, who answered, that his Case having been made known at Mr. Hoppner's Office, Mr. Meagher, the Vice-Consul, had been directed to call on the Intendant of Police to remove the difficulty. By this Officer, Mr. Meagher was assured, that Mr. Hockley's Passport was then in the possession of Viscount de Santarem, and that he, the Intendant, expected immediate orders would be given to allow him to proceed. So far, however, from this being the case, within half an hour after the receipt of Mr. Goodair's Letter, Mr. Hockly was sent for by the Juiz de Fora, who told him that orders had been received from Lisbon to send him immediately out of Portugal, and to warn him, on pain of rigorous imprisonment, not to present himself again in the Country without a Passport duly signed by some Portuguese Authority. All remonstrances were in vain, although the Judge admitted that no suspicion whatever attached to him, and that the only objection was this alleged informality. He was immediately conducted out of the

Town by an Escort of Cavalry, exposed to the gaze of the populace, busy in their conjectures upon the nature of his crime. Under these circumstances, he had no remedy but to proceed to Seville, to get his Passport endorsed, with which he returned to Elvas, a distance of nearly 80 leagues.

CASE VII.

In the month of March, 1831, the Collector of the Tax called Maneio, notified a Mr. Judah Levy, a British Subject, for the payment of 49,440 reis, in which amount it was stated that he had been assessed, and although he had been residing in Lisbon for upwards of 42 years, he never before had been applied to for payment of any such tax, nor could it fairly apply to him, as he was not concerned in any trade or business whatsoever, besides having, in the year 1795, taken out his Carta de Privilegios, which exempted him from the impost of Maneio, as well as other decimas or duties. But besides this, in 1812, when Foreigners, resident in this Country, were called upon to pay the Contribuição Extraordinária de Defeza, a Decree was issued by the Governors of the Kingdom, dated July 2, 1812, the Vth Article of which exempts British Subjects from payment of this Maneio Tax; and lastly, a further Aviso, signed by the Governors of the Kingdom, and dated the 18th July, 1814, states, that wholesale British Merchants are to be exempted from the payment of this tax.

In defiance of all these circumstances, and of his own remonstrances, Mr. Levy was made to pay this imposition, against which Mr. Hoppner has forcibly appealed.

CASE VIII.

In September, 1830, the British Merchants of Oporto having reason to be dissatisfied with Senhor A. M. Carneiro e Sá, the Judge Conservator at that Port, applied, as they were empowered to do by the Xth Article of the Treaty of 1810, to the Consul-General at Lisbon, to obtain from the Government of Portugal Senhor Carneiro e Sá's dismissal from his Office, and the nomination of M. Oliveira in his room. Mr. Mackenzie, at that time His Majesty's Acting Consul-General at Lisbon, in consequence, addressed himself in a personal Conference to the Viscount de Santarem, requesting that the dismissal of M. Carneiro e Sá, and the appointment of M. Oliveira, might take place. M. de Santarem assured him verbally, in reply, that the request should be complied with.

After a lapse of time, however, Mr. Mackenzie, finding that M. Carneiro e Sá had not been removed, renewed his demand to M. de Santarem, but His Excellency availing himself of the informal manner in which the former application had been made, denied that his previous promise was binding, and now refused his consent.

In this state Mr. Hoppner found the question upon his arrival at Lisbon, and, in consequence, immediately addressed a Letter, viz. on the 15th of February, 1831, to M. de Santarem, in which he, in the name of the British Merchants at Oporto, again demanded that M. Carneiro should be dismissed, and M. Oliveira appointed to fill the office.

No answer, however, being given to the application, it was renewed by Mr. Hoppner, on the 25th of March, accompanied by an intimation, that if any further delay took place, he would be under the necessity of referring the case to His Majesty's Government; but up to the present time, there is every reason to believe that the fresh appointment has not been made, and that the obnoxious Judge is still continued in his situation.

No. 31.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 27.)

Sir,

Lisbon, 16th April, 1831.

I HAVE herewith the honour to transmit to you for the information of Viscount Palmerston, the Copy and Translation of a Note which I have received from M. de Santarem, in reply to my second application on the subject of the excessive Duties levied at Oporto, on the articles of cotton-twist, and yarn, imported by two British merchants resident there, by which it appears that the case has been referred by the Minister of Finance to the Board of Trade, which, unless it acts with more energy on this than on the cases usually referred to it, is not likely to come to any speedy decision upon it.

I have the honour to be, &c.

Sir George Shee,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 31.

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir,

Palace of Queluz, 9th April, 1831.

IN reply to your official communication to me, under date of the 28th March last, in reference to another of the 2d March, respecting the complaint of two English Merchants, as to the excess of duty exacted in the Custom-house of Oporto, upon cotton-twist, the Minister of Finance has informed me, that the subject has, according to the usual form, been referred to a consultation of the Board of Trade. As soon, therefore, as the decisions of the Board shall have been communicated to me, through the Finance Department, I will transmit them to you without delay.

God preserve you.

Snr. R. B. Hoppner.

(Signed)

VISCOUNT DE SANTAREM.

c. &c. &c.

No. 32.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 27.)

Sir,

Lisbon, 16th April, 1831.

WITH reference to that part of my Despatch to Viscount Palmerston of the 2d instant, alluding to a demand made on Mr. Levi, a British Subject, for the payment of a duty called Maneio; I have herewith the honour to transmit to you, for Viscount Palmerston's information, the Copy and Translation of a Note and its Enclosure, addressed to me by M. de Santarem, stating that orders had been issued to the proper Tribunal, to insure to His Majesty's Subjects the exemption from this charge, to which they are entitled by existing Treaties.

I have the honour, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 32.

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Palace of Queluz, 15th April, 1831.

IN replying to the Note, which you addressed to me on the 31st March last, accompanying a Petition from the British Subject, Judah Levy, who

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claims to be exempt from the payment of the Maneio Tax, I have the honour to tell you that the Minister of Finance, to whom I wrote officially upon this subject, informed me, that on the 13th instant he issued, under the same date, to the Council of Finance the Order, of which the enclosed is a Copy, in order to secure to the Supplicant the privileges granted by the existing Laws, and which may justly and duly belong to him according to those Laws.

God preserve you.

Sir R. B. Hoppner,
&c. &c. &c.

(Signed) VISCONDE DE SANTAREM.

Sub-Enclosure in No. 32.

Order of the Minister of Finance to the Council of Finance.—(Translation.)

Most Illustrious and Excellent Sir, *Palace of Queluz, 13th April, 1831.*

THE King Our Lord has ordered me to lay before the Council of Finance, the annexed Copies of Translations, of an official Letter from the British Acting Consul-General, of the 31st March last, and of a Letter addressed to him, by Judah Levi, with an original Petition, supported by documents, in which he claims exemption from the payment of the Maneio Tax, as being a Subject of His Britannic Majesty, and His Majesty is pleased to direct, that in observance of the existing laws, and of the privileges granted by the same, the Tribunal shall secure to the Supplicant those which justly and duly belong to him, which your Excellency will make known to the Council, in order that it may be put into execution.

God preserve you.

(Signed) JOZE MARIA DE SALES RIBEIRO.

No. 33.

R. B. Hoppner, Esq. to Sir George Shes.—(Received May 3.)

Sir,

Lisbon, 21st April, 1831.

WITH reference to my Despatches of the 5th and 10th ultimo, respecting a Cargo of English coals imported into this Country in a Swedish Vessel, on which a duty of 30 per cent. has been exacted at the Custom House of this Port, I have herewith the honour to transmit to you, for the information of Viscount Palmerston, the Copy and Translation of a further Note which, with its Enclosures, I have received from Viscount de Santarem, still insisting on the right of the Portuguese Government to exact this duty, but upon grounds which appeared to me so untenable that I lost no time in addressing the reply, of which the enclosed is a Copy, to his Excellency.

Notwithstanding his evident misconception of the spirit of the Treaty of 1810, and of the Decree transmitted in the enclosed Note of M. da Louzãa, so bent is the Intendant of the Customs, from whom this measure has emanated, on carrying his point that I have very little hopes of being able to satisfy him of his error. The duty on the cargo in question is in itself but a trifle, nor would it be worth while to contend against the double charge now made were it not for the necessity of combatting the principle on which it has been exacted.

The VIIIth Article of the Treaty which takes from Portuguese Subjects all exclusive privileges of sale or purchase to the prejudice of the British Trader could not, I conceive, be deemed strictly to apply, except in its spirit, to the question at issue: but I apprehend that it is so evidently the purpose of the whole Treaty to establish a principle of perfect equality as to all commercial matters between the Subjects of both the Parties to it, that even could the Decree cited by the Count da Louzãa be made to bear the construction which he has attempted to put upon it, and that it really did accord to Portuguese Subjects the exclusive right of importing British produce and manufactures in Foreign Vessels, such a preference or favour would be as contrary to the intention of the Treaty as the exercise of any other monopoly or exclusive

privilege whatever. As the question appears to be now reduced to this point, I humbly request to be furnished with the opinion of His Majesty's Government upon it, in order that I may know how to conduct any further correspondence it may be necessary for me to have on the subject with the Portuguese Ministry. I have the honour to be &c.

Sir George Macartney, Bart.

(Signed) R. B. HOPPNER.

&c. &c. &c.

Enclosure I in No. 33.

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Palace of Queluz, 19th April, 1831.

HAVING written to the Minister of Finance upon what you officially communicated to me in your note of the 10th March last, urging the application of the provisions of the XVth Article of the Treaty of 1810, to a shipment of English Coal imported in the Swedish ship "*Resolution*," and insisting that it should only pay 15 and not 30 per cent. duty as exacted at the Custom House, I have the honor to send you the inclosed copies both of the answer which the said Minister gave me on this subject on the 12th instant, and of the Decree of the 18th October, 1810, to which reference is had, whereby you will know the reasons that justify that exaction.

God preserve you, &c.

Sir R. B. Hoppner,

(Signed)

VISCOUNT DE SANTAREM.

&c. &c. &c.

Sub-Enclosure A in No. 33.

Conde de Louzã D. Diogo to The Viscount de Santarem.—(Translation.)

Financial Secretary of State's Office, 12th April, 1831.

Most Illustrious and Excellent Sir,

ACKNOWLEDGING the receipt of your Excellency's official letter of the 2d instant, referring to the translation of an official note and other documents addressed to your Excellency on the 10th ultimo, by the Acting Consul General of England, in which he again urges his demand regarding the application of the provisions of the XVth Article of the Treaty of 1810, to a shipment of English Coals imported in the Swedish Ship "*Resolution*," insisting that it should only pay a Duty of 15 and not of 30 per cent. as has been exacted at the Custom House, I must say to your Excellency that upon this subject I can in no way depart from what I have already stated to your Excellency in my former official letters of the 31st October and 27th November, 1829, and in that of the 7th of last month, upon this very case which is now repeated, as I am intimately convinced of the reasons which I had in view, in declaring my opinion upon those official communications, and am equally so that the arguments now produced by the Acting Consul, besides being no more than a repetition of the general principle upon which, in support of his demand he claims the observance of the XVth Article of the Treaty of 1810, are unsubstantial. The exclusion of all but the British and Portuguese Flag for the importation of British or Portuguese goods, which the said Acting Consul wishes to deny, affirming the principles to be inconclusive, upon which I founded the arguments I produced, has for its basis the Vth Article of the Treaty which limits the reciprocity of importation to Portuguese and English Vessels, and therefore excludes those of other Nations; there being even specified in the second part of this Article for the better understanding of the said reciprocity, the descriptive quality which ought to accompany the identification of the Vessels for them to be considered Portuguese or British which are to convey the goods, in order to enjoy the preference of the Treaty stipulated in the XVth Article, which fixes the reciprocal duty at 15 per cent. There is moreover in support of this exclusion, the Decree of the 18th Octo-

ber, 1810; a copy of which I have the honour to transmit to your Excellency, which grants in favor of Portuguese Subjects alone the importation of British goods in foreign Ships; a single and express exception in favor of the aforesaid Portuguese Subjects, which proves that from the commencement of the execution of the Treaty, the exclusion of foreign Vessels was so understood, thus refuting the assertion of the Acting Consul, that hitherto the innovation practised has not been viewed as a modern interpretation.

Therefore nothing more occurs to me to state to your Excellency upon the subject which has been well elucidated in my former official Letters, as by making any other reflections I should only repeat to the consideration of your Excellency what I have mentioned on the same subject in my official Letter of the 31st October, 1829; this being my opinion by which your Excellency will be enabled to answer the notes which your Excellency received from the said British Acting Consul of the 10th and 28th March last, and which your Excellency communicated to me in your official Letters of the 2d and 9th instant.

God preserve your Excellency.

Illm. Sn. Visconde de Satarem. (Signed) CONDE DA LOUZAA D. DIOGO.
&c. &c. &c.

Sub-Enclosure B in No. 33.—(Translation.)

Palace of Rio de Janeiro, 18th October, 1831

IT being established in the XVth Article of the Treaty of 1810, concluded between my Royal Crown and my ancient and faithful Ally the King of Great Britain, that all goods, merchandize and articles of the production, manufacture, industry or invention of the British Dominions and of British Subjects, shall only pay a Duty of 15 per cent. on entry, and it not being conformable with reason or justice, nor to the equality which it is right there should exist in mercantile transactions, that my Subjects should pay greater Duties upon the same goods and merchandize, as it would impede the increase and prosperity of national commerce, which I very much desire to advance and promote to the benefit of public wealth and felicity, I am pleased to ordain that the aforesaid goods and merchandize of English production, manufacture, industry or invention, which on account of my faithful Subjects may be imported into the Custom Houses of the Kingdom in this State of Brazil, and ultramarine Dominions in National or Foreign Ships shall pay on admission 15 per cent. only, repealing, in that part only, the Royal Order of the 28th January, and the Decree of the 16th June, 1808; these remaining in all other respects in their entire vigour and full observance. The Council of Finance shall so understand the foregoing, and cause it to be executed by giving the necessary orders.

(Signed) THE PRINCE REGENT OUR LORD.

Enclosure 2 in No. 33.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 20th April, 1831.

IT is with regret that I again trouble your Excellency on the subject of a cargo of English coals imported in a Swedish Vessel, concerning which, I had the honour to receive your Excellency's Note with its Enclosures of yesterday's date; but I should be greatly neglectful of my duty were I to omit pointing out to your Excellency how extremely inconclusive are the arguments of the Count da Louzãa in support of the position which he assumes, and how little that Minister appears to have considered either the spirit of the Treaty of 1810, or even the purpose of the Decree, a Copy of which he transmits in order to justify his decision.

It is needless for me again to refer to the several Articles of the Treaty which prove the justice of my demand, that the cargo in question should be

admitted on the payment of a duty of 15 per cent. alone. No higher duty can be claimed on any article of British produce and manufacture, not expressly cited in the Treaty as exempted from its operation. The Vth Article does not go to exclude their importation in any Foreign Vessel, it merely places the Vessels of the two Countries on a footing of perfect reciprocity, which would be counteracted by the exclusive favour and privilege that the Count da Louzãa now endeavours to establish on behalf of the Subjects of Portugal, from an evident misunderstanding of the Decree of the 18th October, which that Minister has transmitted to your Excellency, and a Copy of which you have done me the honour to forward to me. The Decree recites that as all articles of British produce and manufacture are, according to the Treaty in question, exempt from a higher duty than 15 per cent. His Royal Highness the Prince Regent declares that they shall not pay more when imported by Portuguese Subjects. The object of His Royal Highness being evidently to place the Subjects of both Kingdoms on an equal footing, as it might otherwise have been supposed that to British Subjects alone was accorded the right of importation of the goods and manufactures of their Country, upon the terms stipulated by the XVth Article of the Treaty.

That this was the intention, and the sole intention of the Decree cited by the Count da Louzãa is so apparent, that it is a matter of the greatest surprize to me that his Excellency can have mistaken its obvious meaning. It is the spirit of the Treaty to assimilate as much as possible the Subjects of both Sovereigns in all their commercial dealings, and the Decree now adduced so far from establishing the fact which the Minister of Finance endeavours to derive from it, is a most perfect confirmation of this intention.

Under these circumstances, and as your Excellency is already informed of the decided opinion of my Government upon the question at issue expressed upon more than one occasion, I cannot but trust that your Excellency will again refer it to the Minister of Finance, to whom alone it cannot be competent to alter the letter and spirit of a Treaty of so long standing, in opposition to the construction put upon it by one of the Contracting Parties, and I repeat it to the practice which has been until lately observed on the particular question which is affected by his decision.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed) R. B. HOPPNER.

No. 34.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received May 3.)

My Lord,

Lisbon, 23d April, 1831.

I HAVE the honour herewith to forward to your Lordship the Copy and Translation of a Note which I have this moment received from the Viscount de Santarem, from which it would appear that the Portuguese Government are at length determined to satisfy the just claims advanced against them, for the injury inflicted by their squadron off Terceira, on the trade of His Majesty's subjects, and to accede to the demands of His Majesty's Government, for the punishment of the Captain of the Portuguese Frigate, *Diana*, for his wanton insult of the Commander of the *St. Helena* Packet. M. de Santarem likewise informed me, verbally, that the Claims of the *Ninus* would be forthwith satisfied here, and that the Portuguese Government only waited to know the decision of His Majesty's Ministers with regard to the amount of compensation due to Mr. Caffary's Foreman, in order also to give full satisfaction upon that point.

It is needless for me to observe to your Lordship that, if the Portuguese Government are acting with good faith upon this occasion, and that the orders they promise to send to their Agent in London, for the payment of the sums demanded of them on the above account, are not in fact a new mode of temporizing which they have discovered, by thrusting the further negotiation of this affair upon the shoulders of their Agent in London; it is not so much to a

sense of the justice of the British demands, as to the precarious position in which they stand with regard to France, that we are indebted for their decision. As M. de Santarem only states that the orders in question *will* be sent, I shall, in the course of next week, request that he will communicate a Copy of them to me for your Lordship's information, and I shall take the same opportunity of stating to him explicitly the nature of the satisfaction demanded by His Majesty's Government with regard to the Captain of the *Diana*, namely, that his dismissal, with the cause of it, is to be made as public as possible through the means of the Lisbon Gazette. With regard to Mr. Caffary's Foreman, as I could not undertake to fix the measure of the compensation due to him, conceiving the British Nation insulted in his person, I shall feel much indebted to your Lordship for your instructions upon this point. I merely take the liberty to suggest, that as the poor man himself expects no such compensation, and as the object is not the amount of any sum the Portuguese Government can pay, so much as an acknowledgment and atonement on their part for the insult offered by them upon this occasion, it may perhaps be right to insist that their disavowal of the act should be made as public as possible, in addition to any pecuniary compensation they may be called upon to make for it. Such a measure at least would be highly satisfactory to the British Residents here, and would perhaps tend more to impress upon them a sense of security than any assurances to that effect proceeding from whatever quarter. I may add, that it would also be gratifying to the respectable inhabitants of Lisbon generally, as it would shew them that the illegal and unexampled conduct of the secret Agents of this Government, is viewed with disapprobation by His Majesty's Ministers, and might be a check upon such proceedings in future.

Viscount Palmerston,
&c. &c. &c.

I have the honour to be, &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 34.

The Viscount de Santarem to R. B. Hoppner, Esq.

Palace of Queluz, 23d April, 1831.

IN answering that part of the Note you addressed to me on the 12th inst. respecting the claims, which by order of the Government of His Britannic Majesty you were authorized to make, I have the honour to apprise you, that as regards the indemnification to the persons interested in the prizes captured by the Portuguese Squadron blockading the Island of Terceira, which were restored, proper orders will be sent to the Agents of the Portuguese Funds in London, to make good to the Parties interested, the said indemnifications, which may be liquidated in conformity with my Note to Mr. Mackenzie of the 20th August of last year.

As to the dismissal of the Commander of the Frigate *Diana*, His Majesty has resolved to satisfy the Government of His Britannic Majesty.

God preserve you.

R. B. Hoppner Esq.
&c. &c. &c.

(Signed)

VISCOUNT DE SANTAREM.

No. 35.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received May 3.)

My Lord,

Lisbon, 23d April, 1831.

I HAD already closed my Despatches for this Mail, when I had the honour to receive by His Majesty's Steam Vessel, *Carron*, your Lordship's Despatch of the 15th instant, with its Inclosure, detailing the different causes of

complaint urged by His Majesty's Government against that of Portugal, and directing me to insist with M. de Santarem on an immediate and full redress of the same.

M. de Santarem, by his Note of this day's date, which I have the honour to transmit in my preceding Despatch, having already announced to me the intention of the Portuguese Government to send orders to their Agent in London to satisfy the claims of the Owners of the Vessels detained at Terceira, having also assured me that the Captain of the *Diana* should be forthwith dismissed the Service; and as there is no doubt likewise of his immediate compliance with the other demands set forth in your Lordship's Despatch, I have not thought it necessary to detain the Packet, which was about to sail, until I should have seen His Excellency, and have communicated to him the instructions with which I have now been honoured by your Lordship.

From the manner in which M. de Santarem expressed himself in the interview I had with him to-day, I feel confident that the Portuguese Government will now make no difficulty with regard to the amount of the compensation which your Lordship instructs me to claim for the different individuals who have been injured by them. The only embarrassment I feel on this point is in respect to the amount: but as the parties themselves are here, I cannot do better than consult with them as to what they will deem a sufficient satisfaction, and insist upon this, where it does not appear to me disproportionate to the injuries inflicted upon them.

The public dismissal and disavowal of Verissimo, which I deem it my duty to insist upon, will cost the Portuguese Government, probably, more difficulty than all the rest: but this man has exercised his calling with such insolence and cruelty, that I conceive I should not fulfil your Lordship's Instructions, were I not peremptorily to insist upon it as an atonement for the insult offered to Mr. O'Neill, in which he took a very principal part. This act alone will bring down upon His Majesty's Government the blessings of all the respectable Inhabitants of Lisbon, who live in constant dread of this execrable Tyrant; nor can I think that the Members of the Administration themselves will regret to see him deprived of his extraordinary powers, against which even they do not feel secure.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 36.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received May 14.)

My Lord,

Lisbon, 30th April, 1831.

IN obedience to the orders conveyed to me in your Lordship's Despatch of the 15th instant, I lost no time in waiting upon the Viscount de Santarem, accompanied by Captain Markland, whose presence that Officer and myself both conceived would tend to convince His Excellency that His Majesty's Government were determined to carry into immediate execution their threatened measures of reprisals, in the event of any delay on the part of the Portuguese Ministry in satisfying their just demands. After making His Excellency fully acquainted with the instructions with which your Lordship had furnished me, I observed to him how often I had predicted that the measures pursued by the Portuguese Government must infallibly lead to such consequences as His Excellency now found fully verified. M. de Santarem stated to me that as the Portuguese Government had already notified their intention to comply with the principal demands of His Majesty's Government, that, namely, for compensation for the Vessels illegally detained off Terceira, and the dismissal of the Captain of the *Diana*, so he trusted that there would be no difficulty in arranging the others. I begged him to observe that I had no power to exceed the ten days limited by your Lordship for the decision of his Government, and

that the moment His Majesty's Squadron should appear off the mouth of the Tagus, the *Briton* and *Childers* would quit their anchorage and join them outside the Bar. M. de Santarem remarked to Captain Markland that there would be no occasion for this step; the latter, however, replied, that his orders were peremptory, and must be obeyed. The fact is, that the Portuguese Government, which have hitherto viewed with much jealousy the presence of these Vessels, would now be glad to retain them, to avoid the sensation which their departure cannot fail to create among the inhabitants of the Capital: but neither Captain Markland nor myself conceived that we ought to be influenced by any such consideration, or by any attempt of the Portuguese Government, to avoid that publicity which is absolutely necessary to render their atonement at all efficient and satisfactory.

On quitting M. de Santarem I acquainted him with my intention of addressing him a Note the following morning, stating explicitly the demands which I was instructed to make in the name of His Majesty's Government, and on Monday morning I forwarded to him the one of which I have herewith the honour to enclose a Copy for your Lordship's information. My next step was to call a meeting of the Merchants and other British Residents, that I might fulfil that part of your Lordship's Instructions relative to them. In the mean time His Majesty's Ships *Briton* and *Childers* were actively employed in preparing for sea, by setting up their rigging, completing their water, &c., and in the afternoon of Monday the *Childers* already quitted her moorings and proceeded to join the Squadron off the mouth of the Tagus, Captain Markland in the *Briton*, being still detained in making the necessary preparations.

On Tuesday morning the British Merchants and Residents assembled at my house, when I communicated to them your Lordship's Instructions, as well as those which Captain Markland had received from the Lords of the Admiralty. Many of these Gentlemen have, however, such large property at stake in the Country, and the means of removing it, if it should be their wish to do so, are so insufficient, that there are very few that will not be compelled to run the hazard of remaining here, should the Portuguese Government allow things to proceed to extremities.

Captain Markland, in His Majesty's Ship *Briton*, left the Tagus at day-break on Wednesday morning, by which the Administration of this Country must have perceived that His Majesty's Government were not to be trifled with, and how fruitless would be all further attempt at evasion. In the interview which I had to-day with the Viscount de Santarem, as he gave me to understand that our demands are to be complied with, I explicitly stated to him that I should not be satisfied with any half measure, but that the account to be published in the Lisbon Gazette of the different cases which had arisen, together with the dismissal of the several persons which were to take place in consequence, must be most full and satisfactory: that I could never permit that His Majesty's Government should have been put to the trouble and expense of sending out a Squadron here merely to obtain some half measure, but that the whole affair must be terminated in so complete a manner as would effectually secure the British Government against the necessity of having recourse to a similar one for similar purposes. I begged him clearly to understand that to this I had fully made up my mind, and that if I perceived the smallest attempt at evasion I would positively embark on Wednesday, let the consequences be what they would.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 36.

R. B. Hoppner, Esq. to Viscount de Santarem.

Lisbon, 25th April, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul General in Portugal, has received the Instructions of His Government, to state to His

Excellency the Viscount de Santarem, that " His Majesty's Government " having taken into their serious consideration all the recent insults which the " Portuguese Government have offered to the British Nation, the outrages " which they have committed upon the persons and property of British Sub- " jects, and the violations of which they have been guilty of the Treaties " subsisting between the two Countries," have directed the Undersigned to make to the Portuguese Government, through His Excellency, a peremptory demand for immediate and full redress of the same.

Many of the grounds of complaint advanced by His Majesty's Government are of recent occurrence; whilst others, comprising the repeated and till now neglected demand of compensation for the injuries inflicted upon British Commerce, as well by the unjust seizure of British Vessels, as by the non-observance, on the part of the Portuguese Government, of the compensation so long since acknowledged by the Portuguese Government to be due to the Owners of the British Vessels, captured by their Squadron off Terceira, should at length be paid: and, in addition to this tardy act of justice, that also due by the dismissal of the Captain of the *Diana* should be performed. These two points being removed, the Undersigned flatters himself that the Portuguese Government, equally seeing the justice of the other demands advanced by that of His Britannic Majesty, will not hesitate in acceding to the same.

He is commanded nevertheless explicitly to state to His Excellency the Viscount de Santarem, that they none of them admit of the slightest negotiation or modification, and to require a categorical affirmative or negative to them within ten days, at the same time repeating to His Excellency that His Majesty's Government cannot permit the rights and privileges of His Majesty's Subjects to be violated, nor the honour of the British Flag to be insulted without atonement.

In obedience to the Instructions which he has received, the Undersigned, in the name of His Britannic Majesty's Government, hereby demands of that of Portugal, the immediate and public dismissal of the Captain of the *Diana* Frigate from the Portuguese Service, the same to be announced in the Lisbon Gazette, accompanied by a statement that he has been so disgraced, in consequence of the insult offered by him to the British Nation, by his unmanly and unofficer-like conduct towards Lieutenant Warren, who commanded the *St. Helena* Packet, illegally detained by him, and the cruelty with which he treated the invalided Officers and Seamen who were Passengers in that Vessel.

The immediate issue of Orders, with communication of the same to His Majesty's Government, for compensation to the Owners of the four Vessels, captured by the Portuguese Squadron off Terceira, and restored after the arrival of His Majesty's Frigate, *Galatea*, at Lisbon. The instantaneous payment to the Master and Owner of the *Ninus*, of the Sum claimed by him as compensation for the damages and injuries inflicted upon him by the same Squadron, and also of the Sum due for the maintenance of the British Seamen, arbitrarily landed from the *Diana* Frigate in Lisbon, and supported at the expense of the British Consulate, as well as indemnification for the losses sustained by the Warrant Officers of the *St. Helena* Packet. These Claims must be definitively satisfied within one month from the date of the present Note.

An apology and compensation to Mr. O'Neill for the insult offered to him on the 10th February last, by his forcible detention during four hours in the apartment of Messrs. da Casta Soares, and subsequent compulsory conveyance in an ignominious manner to the office of the Intendant of Police, with the public dismissal of the Magistrate, who directed the same, and especially of the noted Jose Verissimo, from any authority of whatever nature with which he may be invested, by whose orders Mr. O'Neill was conveyed through the streets like a criminal, to the Office of the Police, notwithstanding his remonstrances and his offer to shew his Carta de Privilegios as a British Subject. The dismissal of these individuals must be accompanied by a statement in the next number of the Lisbon Gazette, of the causes which have given rise to it,

and an assurance that they shall not again be employed in any way or under any pretence.

The public disavowal and dismissal of the man named Leonardo, who, on the 11th February forcibly entered the Rope Walk of Mr. Caffary, at Pedrouços, and cruelly illtreated the Foreman of that establishment; a compensation to the amount of 200 milreis, being 20 milreis a day for the ten days of his imprisonment: and the punishment of the Soldiers who abetted Leonardo on this occasion: this case to be in a similar manner announced in the Lisbon Gazette.

A public apology for the insult offered to Mr. Roberts, with reparation to him for the injury he sustained on the occasion of the forcible entry of his house during the night of the 21st—22d March, with the dismissal of the Magistrate, who was present at and directed the same. The statement, with the apology and dismissal to be in like manner immediately made public in the Lisbon Gazette.

The issue of immediate orders to the Custom-House of Oporto to desist from the illegal demand of excessive duties levied there upon articles of British manufacture, and the same to the Custom-House in Lisbon, especially with regard to their demand of a duty of 30 per cent. on a Cargo of British Coals imported in a Swedish Vessel.

A compensation to Mr. Hockly for the injury inflicted upon him by the arbitrary and unwarrantable manner in which he was in the month of March last, conveyed across the Portuguese Frontiers at Elvas, and compelled to travel to Seville, being a distance, there and back, of eighty leagues, in order to procure a Portuguese signature to his Passport, with the instantaneous issue of positive and public orders to all Magistrates and Authorities throughout the Country to prevent the recurrence of any similar treatment of a British Subject.

A severe and public reprimand of the Officer who attempted to levy upon Mr. Judah Levy, and others of His Majesty's Subjects, the duty termed *Maneiro*, notwithstanding he claimed an exemption from it by right of his *Carta de Privilegios*.

The immediate dismissal of M. Carneiro e Sá from the Office of Judge Conservator, with the recognition in that Office of St. João Manoel Oliveira, who has been duly chosen by the British Merchants at Oporto.

A strict and positive engagement on the part of the Portuguese Government, that the rights and privileges accorded to British Subjects in Portugal, shall henceforth be duly observed, and that they shall not in future be subjected to any of those molestations which have called forth the displeasure of His Majesty's Government.

The Undersigned has further the honour to inform his Excellency Viscount de Santarem of the arrival off the Coast of Portugal of a Squadron consisting of six Ships of War, which are to be immediately joined by His Majesty's Ships *Briton* and *Childers*, now in the Tagus. If during the space of ten days from this date, all these several demands are not punctually and strictly complied with, he has received the orders of His Majesty's Government to give notice of this fact to the Officer commanding the same, that he may carry into execution the orders with which the Lords of the Admiralty have furnished him, to make reprisals by detaining and sending to England all Vessels wearing the Portuguese Flag; and he is further commanded in the event of such non-compliance with his demands, to quit Lisbon and embark on board His Majesty's Ship *Briton*.

The Undersigned avails himself, &c.

His Excellency Viscount de Santarem.

(Signed) R. B. HOPPNER.

&c. &c. &c.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received May 14.)

My Lord,

Lisbon, 4th May, 1831.

IN my Despatch of the 30th ultimo, I had the honour to submit to your Lordship a Copy of the Note which I addressed to M. de Santarem in pursuance of the Instructions conveyed to me by your Lordship, under date of the 15th ultimo, setting forth the different claims advanced by His Majesty's Government against that of Portugal, and demanding satisfaction for the insults offered by them to Great Britain, and indemnification for the injuries they had inflicted upon the Persons and property of His Majesty's Subjects, I have now the honour to transmit for your Lordship's information, the Copy and Translation of a Note which I have received from M. de Santarem in reply, together with Copies and Translations of the Lisbon Gazettes containing the several Articles therein referred to, and I trust that the satisfaction now afforded by the Portuguese Government, will be deemed sufficient by your Lordship, and will prove a guarantee against a recurrence of those grievances which recently we have had such frequent cause to complain of.

In the Note as originally transmitted to me by Viscount de Santarem, there were some passages to which I objected; the publications in the Gazette were also incomplete: the two Articles respecting Verissimo and Leonardo were omitted altogether, and the dismissal of the Captain of the *Diana* was accompanied by an offensive allusion to that of Lieutenant Jones of the *Vigilant*, which gave it the appearance of an act of condescension on the part of Don Miguel to the British Government, in consequence of a similar favour conferred by the latter upon him.

M. de Santarem having at the same time as he transmitted this Note to me, expressed a wish to see me on very urgent business, I waited upon him at the appointed hour, taking with me the Lisbon Gazette, his Note, and the observations herewith enclosed, which I had drawn up in an unofficial form upon it. I pointed out to him the omission in the first, telling him that until the insertion of these Articles, I could not consider the satisfaction required by my Government as complete: he answered that his object in requesting my visit was, to explain the cause of this omission, and to assure me that they would appear on the following day; I gave him nevertheless to understand that I must actually see the Articles before I could consider the business as settled: I insisted on the omission of the passages in his Note to which my observations refer, enlarging upon my reasons for doing so, namely, in the first Clause, that it never had been hitherto a disputed point between the two Governments, whether Articles of British produce and manufacture were liable to a higher duty than 15 per cent. whatever future determination they might come to on this point: and with regard to the latter, that although I did not dispute the correctness of his doctrine, respecting the necessity of a compliance on the part of British Subjects, with the Laws and Police Regulations of the Country, in which they resided, such observations had nothing to do with the present case, as there had been no wish on the part of Mr. Hockly to evade them, who on the contrary had strictly conformed with them as far as he was able to do so, while the conduct of the Portuguese Government with regard to him was most scandalous and unjustifiable.

The ill treatment of Mr. Hockly having originated in an order emanating from Viscount Santarem himself, it was natural that he should wish to justify it by the present observations: but besides my objection to admit the passage on this very account, the tendency of this as well as of the other which I complained of, was to shew that the Portuguese Government had only yielded to our demands from necessity and compulsion, and not from a sense of their justice: that the British Government had in fact, employed force to obtain that which they were not strictly entitled to. As they stood, I could not therefore consider these passages as satisfactory: for a similar reason I also insisted on the omission of the passage in the Decree respecting the dismissal of the

Captain of the *Diana* which refers to the Commander of the *Vigilant*, Ketch. I explained to M. de Santarem that there was no analogy between the two cases: that the dismissal of Lieutenant Jones was the voluntary act of the English Government, on complaint being made to them of his misconduct; and that the Captain of the *Diana* was not dismissed because Mr. Jones had been, as was the natural inference to be drawn from the manner in which his case had unnecessarily been dragged forward, but because the English Government insisted upon it as an atonement for his own shameful conduct. M. de Santarem did not think this point would be conceded, and attempted to defend the Decree as it stood. I replied that it must be done: and that I insisted on its republication omitting the obnoxious passage. There was no use I said in wasting any words about it: my instructions were peremptory to insist on such satisfaction as it consisted with the honour of Great Britain to receive; and that unless I obtained what I required I must consider my Mission as at an end.

To impress this more fully upon him and leave him no possibility of further evasion, I addressed to him the Letter of which the enclosed is a Copy, insisting upon this point.

Should your Lordship think that I was unnecessarily strict upon these points, I take the liberty to observe, that with a Government so practised in chicane as this is, it is impossible to be too much on one's guard. Advantage is immediately taken of every little concession; every attempt was in the present case resorted to, to lessen the stigma of the punishment inflicted upon them; and had I allowed the passage respecting Lieutenant Jones to stand, not only did it remove from that Decree the character of a satisfaction, but the Captain of the *Diana* would have been immediately reinstated on the plea, that the same had been done with regard to Lieutenant Jones. I could not permit the Portuguese Government to save their own honour at the expence of ours, nor allow it to go forth to the world that they had granted us satisfaction because we had done the same by them. In this light the publication of the Decree was viewed, not only by all the British Residents here, who considered it rather as an insult than an apology, but even by the Portuguese themselves. Lieutenant Jones's case is also not stated, and not being generally known, any one might suppose that it was similar to that of the Captain of the *Diana*, which it is not, nor is there the slightest analogy between them. His dismissal was the immediate and spontaneous act of the English Government, who were only called upon to punish him, which they might have done by merely reprimanding him; but the positive and public dismissal of the Captain of the *Diana* was insisted upon by the British Government, and it was not until after repeated threats of their severe displeasure, that it is at length, after several months, tardily and reluctantly complied with. It cannot therefore be permitted to appear as the uncontrolled act of the Portuguese Government in consequence of a similar act of condescension on our part: this would be now no satisfaction for the insult offered by him to the British Navy, in the person of one of its Officers; and however anxious the Portuguese Government may be to spare the feelings of this Individual and their own honour, I conceive that it was not for me to allow this to be done at the expence of that of a British Officer, and in a manner that should leave us the laughing-stock of the whole Country, as was evident would be the case from the impression made on every one by the publication of this Decree in the form in which it first appeared.

The Portuguese Government having now complied with all our demands, I sent immediate notice of the same to Captain Markland, in order that he should return to the Tagus with his Squadron, which I knew he was very desirous of doing, as several of the Vessels had suffered severely during the heavy gales which have prevailed since their arrival off this Coast. And in answer to the passage in M. de Santarem's Note respecting the payment of the sum due to the Owners of the four British Vessels captured off Terceira, I propose writing to him to desire that the order may be made payable to His Majesty's Secretary of State for Foreign Affairs in London, which I conceive will be the best way of avoiding any further delay, or any fresh negotiations on this subject.

By the present measure, the privileges of the British Residents in Portugal are placed on a surer and firmer footing than they have been for a very considerable time past, and though their interests must suffer from the distracted state of this Country, and their feelings may be harrassed by the sight of the distress and misery that surrounds them, they will at least live henceforth in the enjoyment of personal security, and be able to attend to their avocations without fear of individual molestation.

If in the arrangement of this affair I shall have been found deserving of the approbation of your Lordship, and of His Majesty's Government, I shall have obtained the height of my wishes; having no other object so much at heart as to perform my duty in such a manner as to uphold the character of the British Nation, and secure to myself the continuance of your Lordship's confidence and support.

I have the honour to be, &c.

(Signed) R. B. HOPPNER.

Viscount Palmerston.

&c.

&c.

&c.

Enclosure 1 in No. 37.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Palace of Queluz, 2nd May, 1831.

HAVING conveyed to the knowledge of His Majesty's Government the Note which you addressed to me by order of your Court, under date of the 25th of April last past, demanding an immediate and plenary satisfaction for the facts of which that Note treats, I have, in consequence, the honour to communicate to you, that His Majesty at the same time that he deeply laments those occurrences, feels a satisfaction in being able to give, as he does, to the British Government every mark of his most complete reprobation of them.

With regard to the first demand, of the dismissal of the Captain of the *Diana* Frigate, His Majesty had already dismissed that Officer by a Decree of the 23rd April last, according to what I announced to you in my Note of that date; and the motives for his dismissal shall be immediately published in the Gazette of to-morrow; full satisfaction being by this means given to this first demand.

With respect to the second demand, I have also the pleasure of communicating to you that it remains fully satisfied by the expedition of orders for compensation to the Owners of the four Vessels captured by the Portuguese Squadron at Terceira, and subsequently restored, which shall be punctually delivered to them within the specified term; as also to the Captain and Owner of the *Ninus*, the sum claimed by him (the Captain) and likewise the sum due for the support of the British Seamen who were landed from the *Diana* Frigate, and the indemnification to the Officers of the Packet *St. Helena*; the amount for the Vessels which were restored, to be paid by the Agents of Portugal in London; and that for the *Ninus*, the Seamen landed from the *Diana* and the Officers of the *St. Helena*, in Lisbon.

I should this very day have transmitted to you, together with this Note, Copies of those Orders, had I known the person or persons duly authorized to receive the sums in question; this circumstance being essential to that regularity which in such transactions it is the established custom to observe, and it not having been stated in your Note.

As soon, therefore, as you shall have made known to His Majesty's Government the names of those Individuals, I will send you a Copy of the above mentioned Orders.

With regard to the third demand, by which you require that a satisfaction and compensation be given to J. M. O'Neill for the insults offered to him on the 10th February last, I must declare to you that that act not having been authorized by any Magistrate, and having been committed by the Standard-bearer of the Royal Guard of Police, José Verissimo, that individual has been dismissed from the Royal Service, and that his dismissal will be published in the

Lisbon Gazette, together with the motives which led to it, as well as a declaration that he is never again to be employed ; and I have also to state to you, that the compensation demanded shall be made good as soon as its amount shall have been specified.

The public censure and dismissal of the Individual, who on the 11th February violently entered the establishment of Mr. Caffary, being required by the fourth demand, as well as a compensation of 200 milreis to the Foreman of that Establishment, and the chastisement of the Soldiers who assisted, I must apprise you, that the Individual in question had been dismissed by the Master of the Horse from the service of the Royal Mews where he was employed, as will be published in the Lisbon Gazette ; and, with respect to the compensation, orders have already been issued to the Intendant-General of Police for it to be given to the Foreman of that Establishment as soon as he shall present himself to him with some voucher from His Britannic Majesty's Consulate-General ; and as regards the Soldiers, they shall be duly punished.

The Fifth demand, relating to what occurred with respect to Mr. Roberts during the night of the 21st, (22d) of March, is fully satisfied by the public dismissal as required, of the Magistrate who executed the Commission, as you will see by the Decree which will be published in to-morrow's Gazette ; and the compensation required shall in like manner be made good as soon as specified.

To the Sixth demand, His Majesty's Government accede, and have consequently issued the proper orders.

In regard of the Seventh demand, orders have been issued for the observance of the VIIth Article of the Treaty of the 19th February, 1810, which orders are likewise to be published : the indemnification shall be given as soon as its amount shall have been specified.

In reply to the Eighth demand, I beg to apprise you, that under this day's date, an Order has been issued, through the Office of the Minister of Finance to the proper Tribunal, to reprimand the Officer who exacted from a Subject of His Britannic Majesty, the impost called Maneio ; and the same Tribunal has been ordered to observe the privilege of exemption from that impost, which the Sovereigns of these Kingdoms have granted to British Subjects ; which order is to be immediately published in the Lisbon Gazette.

The immediate dismissal of the Magistrate Carneiro, from the situation of Judge Conservator at Oporto, and the confirmation in that Office of the Magistrate João Manoel de Oliveira, who was elected by the British Merchants of that City, being required by the Ninth demand, His Majesty fully accedes to that demand ; having dismissed the Magistrate, Carneiro e Sá, for having evinced a want of zeal for British Interests ; and His Majesty has already caused to be forwarded to the Court of Desembargo do Paço, the Decree by which the election of the Magistrate, João Manoel de Oliveira, is confirmed.

This perfect compliance with every demand will afford to the Government of His Britannic Majesty a striking proof that His Majesty's Government are always ready to maintain strictly, on their part, the rights and privileges of British Subjects in Portugal ; and I can assure you, that His Majesty's Government will employ all possible means to preclude the repetition of Acts which might disturb the good understanding that for so many centuries has, without an example in the history of Nations, subsisted between the two Countries.

I hope that this positive and explicit declaration may fully satisfy the concluding demand contained in your Note.

God preserve you.

(Signed)

VISCOUNT DE SANTAREM.

R. B. Hoppner, Esq.
&c. &c. &c.

Sub-Enclosures in No. 37.

(Translation.)

Remarks of Viscount Santarem.

SIXTH DEMAND.

HOWEVER, as this is a subject on which there exists a controversy, as to the letter and spirit of the Treaty, the Portuguese Government reserve to themselves the right to treat with the British Government on this point, as it is established in the same Treaty.

SEVENTH DEMAND.

ALTHOUGH these orders have been issued, I cannot but declare to you that British Subjects, being by those very Treaties bound to the Laws of the Country and the Police Regulations, which direct that no Foreigner, nor even a Native, shall be allowed to enter or travel without a formal Passport, a principle established by the Common Laws of every Nation, and one of the most important Regulations of Police which every independent Nation has the indubitable right to enact in its Territory, those established formalities cannot be wholly disregarded. The observance of this Act of Legislation, founded as it is upon the Common Laws of Nations, is so far from being vexatious to the Subjects of His Britannic Majesty, that after so long a series of years there has not been, up to the present day, a single complaint on this head.

Decrees published in the Lisbon Gazette of May 3, 1831.—(Translation.)

Palace of Queluz, 30th April, 1831.

IT having been made known to me that the Bachelor F. M. da Silva e Souza Belfort, the Magistrate for Criminal Cases in the district of Ribeira, in executing a Commission on the night of the 21st (22d) of March last, at the house of the English Merchant Roberts, did not conform with my Royal Orders, by which the privileges enjoyed by British Subjects in these Kingdoms are commanded to be strictly observed, I am pleased to dismiss him from the above-mentioned situation which he occupies in my Royal Service. The Municipal Senate shall thus understand and execute this Decree.

(With the Signature of the King our Lord.)

(Translation.)

Office of the Minister of Finance.

Palace of Queluz, 2d May, 1831:

THE King our Lord having ordained by his Mandate, of the 13th of April last past, the observance towards the Subject of His Britannic Majesty, Judah Levi, of the privileges which justly and duly belong to him, and which had been conceded by existing Laws, such Mandate being issued in consequence of the undue exaction from him of the tribute of Maneio, from which he is exempt by his Carta de Privilegios, and the same August Lord being desirous that the Laws which guarantee similar ancient privileges granted by the Monarchs of these Kingdoms should have their full effect without any breach or violation of them whatsoever, His Majesty is pleased to command that the Council of Finance shall summon before that Tribunal the Officer who thus acted against the Law, and reprimand him for his irregular exaction; in order that in future, proceedings so contrary to that Law shall not be repeated.

Which your Excellency will notify to the Council of Finance, that the same may be duly executed. God guard your Excellency.

(Signed) COUNT DA LOUZAA.

To the Count Armador Mor.

(Translation.)

Lisbon, 2d May, 1831.

BY a Mandate, issued from the Foreign Office, under this day's date, the King our Lord is pleased to command that proper orders be sent to the territorial Magistrates to observe, with regard to British Subjects, the dispositions of the VIIth Article of the Treaty, of the 19th February, 1810, which I communicate to you for your information, and due execution in that part which devolves upon you, recommending strongly to you the execution of this Royal order, for which purpose I transmit you the enclosed Copy of the said Article of that Treaty.

God guard you.

(Signed)

ANTONIO GERMANO DA VEIGA.

To the Dr. Judge of

(Translation.)

Most Illustrious Sir,

Palace of Queluz, 30th April, 1831.

THE King Our Lord, ordains that your Excellency shall remove from the Royal Service the Standard Bearer of the Royal Guard of Police, José Verissimo, for having arrested the British Subject J. M. O'Neill, on the 10th of February last, violating the established Laws, and the provisions and stipulations of the Treaties with Great Britain.

God preserve your Excellency.

The Count of Barbacena.

(Signed)

COUNT DE S. LOURENCO.

(Translation.)

Head Quarters.—Order of the Day.

Palace of Queluz, 2d May, 1831.

HIS Excellency Lieutenant-General the Viscount de Veiros, has directed the transcription in this order (in consequence of the commands he has just received from His Majesty) of the Despatch which His Excellency the Adjutant-General of the Army addressed to him under date of yesterday, in order that the Corps of the Garrison of Lisbon and Belem may have information of the Royal determination of His Majesty.

Copy of the Dispatch.

Adjutant-General's Office.

The King Our Lord, as Commander-in-Chief of the Army, has ordered that your Excellency shall remove from the Royal Service the Standard Bearer of the Royal Police Guard, José Verissimo, never again to be employed in any manner nor under any pretext, for the motives declared in the mandate issued from the War Office, dated 30th April last past, and published in the Order of this day.

God preserve your Excellency.

(Signed)

MARQUIS OF TANCOS, Adjutant-General.

His Excellency the Viscount of Veiros.

(Translation.)

*Office of the Minister of Marine and Colonial Affairs.**Palace of Queluz, 3d May, 1831.*

HAVING been pleased to dismiss from my Royal Service, Francisco Ignacio de Miranda Everard *Chef de Division* of my Royal Navy, as a satisfaction to His Britannic Majesty for the conduct of that Individual in having, while commanding the Frigate *Diana* during the Blockade of Terceira, captured the English Packet *St. Helena*, which was conveying to England invalided Soldiers of the British Army, and Mails with Despatches for the Minister of the Colonies; and also for having acted in a violent manner towards Captain Warren and the Crew of that Packet, I am pleased to command that it shall be thus understood, and the proper registry made of the same.

The Council of Marine shall thus understand it, and cause it to be executed by issuing the necessary Orders.

(Signed) With His Majesty's Rubric.

(Translation.)

Objectionable passage in the Decree published in the Lisbon Gazette of the 3d May, relating to the dismissal of the Captain of the Diana.

Wishing also to correspond with what was practised in England, in regard of the Captain of the English Brig of War *Vigilant*, who was dismissed from this post, &c.

(Translation.)

Lisbon, 3d May, 1831.

The Groom of the Royal Mews, Leonardo, having on the 11th February last, forcibly entered the Rope Manufactory of the British Subject Caffary, arresting and maltreating the Foreman of that Establishment, His Majesty was pleased to order the dismissal of the said Individual, and the punishment of the Soldiers who aided him in the commission of that violence.

Enclosure 2 in No. 37.

Mr. Hoppner's Observations on M. de Santarem's Note, May 3rd, 1831.

THE printed Decree relative to the dismissal of Jozé Verissimo, does not state, that he shall not in any manner, or under any pretext, be employed again.

This is essential and must not be omitted; at all events the promise must be in the Lisbon Gazette, as, without it, there is no security that he will not in another week be acting the same part again.

The remarks on the sixth demand are ill timed. Whatever decision the two Governments may come to for the future, at present no higher duty than 15 per cent. can be exacted under any pretext on articles of British produce and manufacture. It is besides inconsistent with the demand of a categorical answer to the present complaint: the passage must be omitted.

The observations respecting the seventh demand are likewise irrelevant to the present complaint. Mr. Hockly wished to conform with the regulations of the Portuguese Police, and could not, as there was no Portuguese Authority either at Cordova from whence he came, nor upon the line of his road: besides his passport having been sent to Lisbon, and a respectable English merchant, his friend, as well as Mr. Meagher, the Vice-Consul, having appeared at the Office of the Intendant of Police, to vouch for his respectability, every thing required by the Police regulations was in fact complied with. The whole passage must be omitted.

The English Government demands an answer affirmative or negative: these observations, by which the Portuguese Government wish to throw upon the individual the blame that belongs to them, cannot be allowed.

The non-dismissal of Sñr. Carneiro e Sá from the Office of Judge Conservator at Oporto, being the complaint of the English Government, is here omitted altogether. It is essential that it should be inserted in M. de Santarem's Note, setting forth the reason of the same; namely, that it is for gross neglect of the British Interests, which were confided to him. The election of a new Judge followed as a matter of course.

Neither the Decree dismissing Verissimo, with the reasons for it, nor the order to dismiss Leonardo, and the statement of the cause of his discharge, have appeared in the Lisbon Gazette. If this is not done to-morrow morning, Mr. Hoppner must consider his mission at an end, as both these are points which the English Government especially insist upon.

Enclosure 3 in No. 37.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 3d May, 1831.

THE Decree that has appeared in the Gazette of this morning, relative to the dismissal of Captain Everard from the Portuguese Service, not bearing the character of the satisfaction demanded of the Portuguese Government, for the ill conduct of that individual, but being evidently intended to persuade the reader that it was issued as a return for a similar act of justice done by the British Government to the claims of Portugal; as moreover there is no kind of analogy between the cases of these two Officers; and further, as Lieutenant Jones's case has no connection whatever with the present demands of the British Government, and has obviously been dragged forward upon this occasion, with a view to spare as much as possible the honour of Portugal at the expense of that of a British Officer, I find myself obliged to insist upon the republication to-morrow of this Decree, without the offensive passage at its conclusion. Unless this is done, I have the honour to inform your Excellency that I shall not consider the satisfaction demanded by His Majesty's Government as complete, and the Portuguese Government must take the consequences of the omission.

I have the honour to be, &c.

(Signed) R. B. HOPPNER.

His Excellency Viscount de Santarem,
 &c. &c. &c.

No. 38.

R. B. Hoppner, Esq. to Sir George Shee.—(Received May 21.)

Sir,

Lisbon, 7th May, 1831.

WITH reference to my Despatch of the 4th instant, addressed to Viscount Palmerston, I have herewith the honour to transmit to you for his Lordship's information, the Copy of a Letter which I addressed to M. de Santarem, under date the 5th instant, respecting the payment of the indemnifications due by the Portuguese Government, the immediate liquidation of which was promised by His Excellency's Note of the 2d instant, together with His Excellency's Reply to the same.

I have the honour to be, &c.

Sir George Shee, Bart.
 &c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 38.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 5th May, 1831.

IN reply to that part of your Excellency's Note of the 2d instant, respecting the payment of the indemnification due by the Portuguese Government to

the Owners of the British Vessels unjustly captured off Terceira, I have to request that the order, which, as your Excellency states, your Government is ready to issue, may be made payable to such persons as His Britannic Majesty's Secretary of State for Foreign Affairs, in London, may appoint. This arrangement will avoid any further unnecessary delay in the settlement of this so long pending affair. The Owner of the *Ninus* being in Lisbon, the payment of his claims may be made in this Consular Office, as also of the other sums due to the Warrant Officers of the *St. Helena Packet*, and the English Seamen landed from the *Diana*.

With respect to the indemnification to Mr. O'Neill and Mr. Roberts, these Gentlemen do not consider that any sum the Portuguese Government could pay to them, would afford them a compensation for the insult to which they were subjected. In order, however, to comply with the requisition of His Britannic Majesty's Government, they have fixed upon the sum of 100,000 reis each, which they propose to apply to charitable purposes, requesting that the same may also be paid into this Consular Office.

Mr. Hockly's case, differing from that of these two Gentlemen, in as much as in addition to the personal inconvenience he experienced, he was also subjected to very considerable expense and detriment by the journey he was unnecessarily compelled to make, and the loss of his time that occurred in consequence; that Gentleman wrote to me from Oporto, where he now is, that a less sum than 200,000 reis would not compensate him for the hardship to which he was exposed. This sum may, in like manner, be paid in the British Consular Office.

I cannot conclude this Letter without expressing my hopes, that the unpleasant discussions which have attended the different cases that have rendered necessary the recent intervention of His Majesty's Government being now terminated, we may rest assured, according to the promises held out in your Excellency's Note above alluded to, that there will be no necessity for the same in future, nor any fresh causes to disturb the good harmony that ought to exist between two Countries so intimately connected by the ties of ancient friendship, as Great Britain and Portugal.

I have the honour to be, &c.

His Excellency Viscount de Santarem
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 2 in No. 38.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir,

Foreign Office, 6th May, 1831.

IN answer to your Note of yesterday's date, I have the honour to apprise you, that the Minister of Finance has been made acquainted with the circumstance that the compensations belonging to the Ship *Ninus*, the Officers of the Packet *St. Helena*, and the Seamen landed from the *Diana*, are to be delivered in Lisbon to the person duly authorized by your Consulate, and that those belonging to the parties interested in the other Vessels, are to be delivered in London to the persons authorized for that purpose by His Britannic Majesty's Secretary of State.

With regard to the other compensations to the British Subjects O'Neill, Roberts, and Hockly, the necessary orders having already been issued to the Intendant-General of Police for the delivery of the same, it will be effected as soon as some person duly authorized by your Consulate shall present himself to the Intendant to receive the same.

God preserve you, &c.

(Signed)

VISCOUNT DE SANTAREM.

R. B. Hoppner, Esq.
&c. &c. &c.

No. 39.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received May 21.)
 My Lord, *Lisbon, 7th May, 1831.*

I HAVE herewith the honour to transmit to your Lordship the Copy of a Letter which has been addressed to me by a large body of the British Merchants resident in Lisbon, expressing their grateful sense of the prompt and efficacious manner in which His Majesty's Government have come forward to protect them against the aggressions of that of Portugal.

I have the honour to be, &c.

Viscount Palmerston.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 39.

Sir,

Lisbon, 4th May, 1831.

WE the Undersigned British Residents in this City, impressed with a deep sense of the gratitude we owe to His Majesty's Government, for the efficacious measures adopted to obtain redress from the Portuguese Authorities for the violation of the privileges secured to us by Treaties, and for the repeated outrages committed on our persons and property, request you will do us the favour to convey to the foot of the Throne the humble expression of our grateful acknowledgments for His Majesty's prompt and paternal protection.

Allow us, Sir, also to add the assurance of our conviction, that, to the strong interest you have evinced in the representations you have made of our critical situation, we are mainly indebted for the adoption of those decisive measures, the result of which we feel confident cannot but ensure to us, in future, that security we have so long felt the want of, and for which we beg to offer you the tribute of our unfeigned thanks.

We have the honour to be, &c.

(Signed)

J. W. GARLAND.

GEO. D. WALSH.

CHARLES O'NEILL.

J. M. O'NEILL.

GERARD GOULD.

WM. NEWN. ROOPE.

CHARLES GOULD.

ROBERT FFRENCH DUFF.

THOMAS SHANNON.

OSBORNE HRY. SAMPAYO.

WM. J. BARNETT.

ALEX. ADAM.

WM. CARRUTHERS.

W. H. GOODAIR.

FRANCIS ROUGHTON.

JAMES LUKE DOYLE.

THOMAS PAIGE.

ARMAND THEOPH. DONNET.

WILLIAM STULEY.

ROBERT LUCAS.

EDWD. MEDLICOTT.

J. G. WALKER.

JOHN EUGENE.

WM. HICKIE.

L. Mc. ANDREW.

WM. HALLIDAY.

CHARLES HIGGS.

ROBERT GRAHAM.

JOHN ADAM.

JAMES PRING.

CHAS. NEWMAN.

JOSEPH SLATER PLATT.

WILLIAM DOHERTY.

DANIEL SHARPE.

LUIS DALLY.

ABEL DAGGE.

THOS. CUSTANCE.

RICHD. HULG SONGLEY.

P. M. LAGAN.

M. SLACK.

JOHN SMALLPIECE, JUN.

SAML. SHIRLEY.

C. FARQUARSON, M.D.

JOHN AUGIER.

GEO. CROFT.

JOHN HUTCHENS.

THOS. JOSLING.

CHAS. JAUNCEY.

JNO. PARLEY.

M. D. GANNING.

GEORGE DOBSON.

HENRY WOWES.

JAS. CHS. DUFF.

JOHN Mc. KEAN.

B. G. ELLISTON.

JOHN WILBY.

CHAMBERS KENDALL.

CHARLES DONOVAN.

RICHARD POWER.

EDMOND POWER.

NICHOLAS S. JAMES.

J. G. SHEEHAN.

J. F. SHORE.

D. FFRENCH DUFF.

SAML. A. WHITNEY.

No. 40.

R. B. Hoppner, Esq. to Sir George Shee.—(Received May 23.)

Sir,

Lisbon, 14th May, 1831.

I HAVE herewith the honour to transmit to you, for Viscount Palmerston's information, the Copy of a Note from M. de Santarem, with my reply to the same, relative to the payment of the sums due as indemnification to the Owners of the Vessels detained at Terceira, as well as those claimed on account of the different individuals whose rights and privileges have been infringed by this Government.

I have now the satisfaction to inform you, that these have been severally liquidated; and I learn from Mr. O'Neill that he had received assurances at the Custom House, that the double duty exacted on his cargo of coals would be immediately repaid to him. I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure 1 in No. 40.

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir,

Foreign Office, 9th May, 1831.

I HAVE the honour to acquaint you, that having already passed the proper order to the Chief Treasurer of the Exchequer, *ad interim* Joaquim Fernandes do Couto, to make due delivery of the sum belonging to the indemnification of the Ship *Ninus*, as soon as a person properly authorized by your Consulate shall present himself to the said Treasurer to receive it, that sum shall be satisfied to him.

Having also issued similar orders as to the sums which are to be paid in London, I beg you will do me the favour to let me know if you mean to send any Vessel to England before the departure of next Packet, in order that I may transmit by it instructions for the delivery of those sums to the persons authorized by His Britannic Majesty's Secretary of State for Foreign Affairs, to receive them, as you mentioned to me in your Note of the 5th instant.

God preserve you.

R. B. Hoppner, Esq.

(Signed)

VISCOUNT DE SANTAREM.

&c. &c. &c.

Enclosure 2 in No. 40.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 10th May, 1831.

IN reply to the Note which your Excellency did me the honour to address to me, under yesterday's date, apprising me that Orders have been issued to the Portuguese Treasury for the payment of the sum due on account of the British Ship, *Ninus*; I beg leave to mention, that in your Excellency's Note of the 6th instant, you stated to me that a similar Order had been given for the liquidation of the sums claimed by the Warrant Officers of the *St. Helena Packet*, and for the Seamen landed in Lisbon from the *Diana*; I have now the honour to inform your Excellency, that upon application at the Treasury, I am informed that this Document has not hitherto been received there.

With respect to the latter part of your Excellency's Note, which refers to the payment to be made in London on account of the four Vessels detained off Terceira, it may not be amiss that I should remind your Excellency, that although no claim has hitherto been transmitted to the Portuguese Government, on account of the demurrage due for the *St. Helena Packet*, and the losses sustained by the *Amelia*, the British Government consider that of Portugal equally bound to the payment of the same whenever the amount shall be ascertained. I am not aware of any intention on the part of the Commander

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of His Majesty's Squadron in the *Tagus*, to detach any Vessel for England previous to the sailing of the next Packet ; but should he do so, I shall not fail to give your Excellency due notice of the same.

I have the honour to be, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
&c. &c. &c.

No. 41.

R. B. Hoppner, Esq. to Viscount Palmerston.—Received May 23.)

My Lord,

Lisbon, 14th May, 1831.

I HAVE the honour to transmit to your Lordship, the Copy and Translation of a Note which has just reached me from Viscount de Santarem, respecting the payment in London of the indemnification for the losses incurred by the Vessels captured by the Blockading Squadron off *Terceira*, and which I took the liberty to direct might be made payable to your Lordship's order, this appearing to me the most likely means of avoiding any further delay in the settlement of these long pending claims.

I have the honour to be, &c.

Viscount Palmerston, (Signed) R. B. HOPPNER.
&c. &c. &c.

Enclosure in No. 41.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Foreign Office, 13th May, 1831.

I HAVE the honour to acquaint you that those persons who may be authorized by His Britannic Majesty's Secretary of State to receive the compensation for the Prizes to be paid in London, must address themselves to James Burn and Co. of that City, who have received orders to deliver the amounts.

God preserve you.

(Signed) VISCOUNT DE SANTAREM.

R. B. Hoppner, Esq.
&c. &c. &c.

No. 42.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received June 1.)

My Lord,

Lisbon, 18th May, 1831.

I HAVE herewith the honour to transmit to your Lordship the accompanying original Papers, which I have this day received from His Majesty's Consul at *Oporto*, conveying the thanks of the British Subjects resident in that City, for the decisive and successful measures recently adopted by His Majesty's Government, in support of the rights and privileges accorded to them by Treaties existing between Great Britain and Portugal.

I have the honour to be, &c.

(Signed) R. B. HOPPNER.

Viscount Palmerston.
&c. &c. &c.

Enclosure 1 in No. 42.

Oporto, Wednesday, 11th May, 1831.

AT a Meeting of the British Merchants and Residents in this City, convened by the Consul to be held this day at his Office, for the purpose of his communicating a Letter he had received from His Majesty's Consul General at Lisbon, dated the 7th May, and which he now laid before the Meeting, stating the dismissal of Sñr Carneiro e Sá, from the Office of Judge Conservator, and the due instalment of his Successor the Dezembargador Sñr João Manoel de Oliveira; and, moreover, making it known that the Demands which the Consul-General was instructed by His Majesty's Government to make upon the Portuguese Government had been acceded to.

Resolved unanimously,—That an Address, expressive of the thanks of the Meeting, be forwarded to Lord Viscount Palmerston, His Majesty's Principal Secretary of State for Foreign Affairs, to be laid before His Majesty's Government; and that this Meeting be adjourned to Friday, the 13th instant, in order to prepare the same.

Friday, the 13th May, 1831.

AT the adjourned Meeting, held this day, the Address having been read, when it was

Resolved unanimously,—That it be adopted, and that His Majesty's Consul be requested to transmit the same.

Resolved unanimously,—That the thanks of the Meeting be given to R. B. Hoppner, Esq. His Majesty's Consul-General at Lisbon, for the zeal and energy he has so conspicuously manifested in defence of our privileges.

(Signed) JOHN CRISPIN.

The Chairman having left the Chair, it was

Resolved unanimously,—That the thanks of the Meeting be given to John Crispin, Esq., His Majesty's Consul, for his zealous and unremitting exertions in supporting the privileges of British Subjects; and he be requested to transmit the Resolutions of this Meeting to His Majesty's Government, through the Consul-General at Lisbon.

(Signed) CHARLES H. NOBLE.
GEORGE KNOWSLEY.
JOHN ATKINSON.
GEORGE REID.
JOHN ASHWORTH.
THOMAS H. WHITELEY.
ISAAC NEWTON.
WILLIAM COPLEY.
THOMAS O'BEIRNE.
JOHN GRAHAM.
JAMES ROUGHTON.
W. G. ROUGHTON.
EDWARD MURPHY.
WILLIAM GREIG.
ALEXANDER COCKBURN.

JOHN T. QUILLIMAN.
WILLIAM WILLBY.
JOSEPH JONES.
ROBERT WOODHOUSE.
JOHN SHORTER.
GEORGE WHISTLER.
EDWARD A. COX.
JOHN MACARTHUR.
JOHN PROCTER.
RICHARD COOPER.
JOSEPH WRIGHT.
THOMAS REYNOLDS.
A. R. SEALY.
L. H. KINGSTON.
ARTHUR HUNT.

Enclosure 2 in No. 42.

To the Right Honourable Lord Viscount Palmerston, His Majesty's Principal Secretary of State for Foreign Affairs, &c. &c. &c.

Oporto, 13th May, 1831.

WE, His Majesty's most dutiful and loyal Subjects residing in this City, highly sensible of the protection extended to us, by the decisive measures which His Majesty's Government have recently taken, for the enforcement of the rights and privileges of British Subjects, conceded by Treaties subsisting between Great Britain and Portugal, and which have lately been so frequently violated, cannot refrain from expressing our gratitude, for the security thus

afforded to our Persons and Property in this Country, with the full hope that by these efficacious steps, our rights and privileges will in future be strictly observed. We, therefore, entreat your Lordship to be pleased to lay these our sentiments of high obligation before His Majesty's Government.

(Signed)	GEORGE KNOWSLEY.	WILLIAM WILLEY.
	JOHN ATKINSON.	ROBERT WOODHOUSE.
	THOMAS H. WHITELEY.	JOHN SHORTER.
	GEORGE REID.	EDWARD A. COX.
	JOHN ASHWORTH.	JOHN PROCTER.
	ISAAC NEWTON.	JOSEPH WRIGHT.
	WILLIAM COPLEY.	THOMAS REYNOLDS.
	THOMAS O'BEIRNE.	A. R. SEALY.
	JOHN GRAHAM.	L. H. KINGSTON.
	JAMES ROUGHTON.	WILLIAM GREIG.
	W. G. ROUGHTON.	JOSEPH JONES.
	EDWARD MURPHY.	GEORGE WHISTLER.
	CHARLES H. NOBLE.	JOHN MACARTHUR.
	ALEXANDER COCKBURN.	RICHARD COOPER.
	JOHN T. QUILLIMAN.	ARTHUR HUNT.

No. 43.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir, *Foreign Office, 19th May, 1831.*

YOUR dispatches by the *Stanmer* packet and the *Carron* steamer have been received, and I have to signify to you, in the name of His Majesty's Government, their full and entire approbation of the able manner in which you have executed the instructions which I conveyed to you. His Majesty's Government have observed, with great satisfaction, the firmness with which you insisted upon the strict performance of every thing which you were instructed to require from the Portuguese Government, and the judgment with which you resisted the attempts made by that Government to diminish the value of their concessions, by the manner in which they tried to announce them. And I have further to acquaint you, that the promptitude and vigour with which you executed your instructions have not been the less approved by His Majesty's Government, on account of the temperate tone which you adopted in your communications with the Portuguese Government.

R. B. Hoppner Esq.

(Signed) PALMERSTON.

&c. &c. &c.

No. 44.

R. B. Hoppner, Esq. to Sir George Shee.—(Received July 7.)

Sir, *Lisbon, 18th June, 1831.*

I HAVE herewith the honor to transmit to you, for the information of Viscount Palmerston, the translation of a Memorial forwarded to me by Mrs. Story, a Portuguese lady, the wife of an English gentleman, now absent in Mexico, setting forth the ignominious treatment she experienced in 1829, at the hands of the Portuguese Authorities, on the charge of having been present at a dinner, supposed, but without foundation, to have been given for a political purpose.

This case was laid before His Majesty's Government by Mr. Mackenzie, and allusion is made to it in his Despatches of the 31st of October, the 5th and 12th of December, 1829, and 29th of January, 1830; but the present is the first claim that has been advanced for any compensation on account of the rigorous treatment this lady was so unjustly exposed to.

Mrs. Story's confinement during five months, the disgraceful manner in which she was publicly conveyed from one prison to another, the sufferings she

has experienced in her health in consequence, and the pecuniary losses she sustained in effecting her own liberation, and that of her servants, who were subjected to even a longer confinement than herself, certainly appear to entitle her to the indemnification she seeks to obtain through the intervention of His Majesty's Government; and it is to be regretted that her claims were not urged at the same time as those recently advanced on account of other British Subjects. I have not, however, felt myself justified in laying them before the Portuguese Government without Lord Palmerston's authority; and in requesting you to submit Mrs. Story's case to his Lordship, I have to beg that you will have the goodness to communicate to me his Lordship's orders, with respect to it, that I may lose no time in carrying them into execution.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 44.

Mrs. Story to R. B. Hoppner, Esq.—(Translation.)

Lisbon, 15th June, 1831.

Mrs. STORY, a British subject, begs to inform His Majesty's Consul General in Lisbon, that being on the 26th of August, 1829, at Riba Mar, for the purpose of bathing, as recommended to her in consequence of a fractured leg, she was, together with her attendant and two men servants, arrested under the Government of Don Miguel, and on the pretence that she had been present at a certain dinner party.

Having, without any reason, been conducted to the noisome and unhealthy prison of Mafra, from thence to the gaol at Torres, and next to the Castle of St. George (all at her own expense), she was at length declared innocent, and liberated at the end of five months; her servants remaining in prison during one year.

Injured in her health, as she is scarcely in a state of convalescence, and is unable to walk without the melancholy aid of crutches; injured in her property by the exorbitant expenses to which she was put, while at the same time she had not even an agent to superintend her affairs; her husband being in Mexico, and her brothers obliged, from an almost general persecution, to seek refuge abroad, Mrs. Story considers that she has the strongest right to recur to His Britannic Majesty's Government, through the intervention of His Majesty's Consul, for the purpose of claiming from the offending Government (as has been done in favour of other British subjects, who have received just compensation in cases much less grievous) a compensation sufficient to cover all the expenses, detriments, and injuries, which have so impaired her health and fortune, and so outraged the delicacy of the sex.

Mrs. Story is at present living under the protection of a benevolent relative.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed)

BENTA ADELAIDE STORY.

No. 45.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 8.)

(Extract.)

Lisbon, 23rd July, 1831.

SCARCELY had I sent away my Despatch, wherein I had the honour to inform your Lordship, that His Majesty's subjects, resident here, had generally escaped from molestation, during the violent proceedings of the so named Royalists, consequent upon the arrival of the French Squadron in the Tagus, when several complaints reached me, of wanton and unwarrantable attacks upon them. Already, a short time previously, an insult had been offered to Captain Frankland, of His Majesty's Ship *Dispatch*, in consequence of which I had taken the opportunity of remonstrating with M. de Santarem,

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on the employment of a force of so barbarous and degrading a character, as that made use of here, to sway the public mind, and which, from the little control exercised over it by the Magistracy, or rather its absolute independence of them, tends naturally rather to excite than to suppress disturbance. Upon his answer, I felt myself under the necessity of making some observations; but these I delayed in consequence of the entrance of the French Force into the Tagus, not wishing to add to any embarrassment which that event might naturally be supposed to occasion to the Portuguese Government.

I have the honour to be, &c.

The Rt. Hon. Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

P. S. I have herewith the honour to transmit to your Lordship, the copy and translation of a note, just received from M. de Santarem, relative to the complaints above alluded to. It is needless for me to observe, that as in most cases of assault, there is an utter impossibility of identifying the aggressors, who are protected and secured from pursuit by the Police, the promise here given to punish them, is perfectly gratuitous.

R. B. H.

Enclosure 1 in No. 45.

J. Milne to R. B. Hoppner Esq.

Sir,

Lisbon, 15th July, 1831.

WHILE returning home, at about half-past nine, on the night of the 14th instant, I was accosted by an individual of the Royalist Volunteer Corps, who demanded to know who I was, and where I was going. On my replying that I was a British Subject, he immediately drew his sword, and cut my head most cruelly. I now therefore address myself to you, hoping that you will adopt those measures which such an outrage requires, an outrage attended by the greatest distress to my family, and danger to myself, as well as the loss of a complete suit of clothes, drenched in my own blood.

This outrage being a decided violation of the promises officially published in the Lisbon Gazette, that our rights and privileges should be respected, and our safety insured, I positively demand from the Portuguese Government, an ample satisfaction for such an affront, and feel confident that His Britannic Majesty will not allow his Subjects to be thus treated, with impunity.

I have the honour to be, &c.

R. B. Hoppner, Esq.

(Signed)

JOHN MILNE.

&c. &c. &c.

Enclosure 2 in No. 45.

James Robert Higgs to R. B. Hoppner, Esq.

Sir,

Lisbon, 16th July, 1831.

I BEG leave to state to you, that on the 13th instant, Captain Telles of the Lisbon Militia (a noted character) publicly threatened to kill my Clerk, who was standing at the door of my house, in Rua dos Fanqueros, merely for looking at him as he passed.

The imminent danger to which the most peaceable inhabitant is now exposed, by the bands of ruffians infesting the streets, is dreadful. The greatest barbarities are committed in the very presence of the police, who, instead of protecting the offended, take them in most cases, to prison, after calmly witnessing their ill treatment.

The anarchy now reigning in this unhappy City, is evident to all, and my object in now addressing you, is to claim that protection from violence, which through your representation, has been promised to all English residents in this Capital.

I have the honour, &c.

R. B. Hoppner, Esq.

(Signed)

JAMES ROBERT HIGGS.

&c. &c. &c.

Enclosure 3 in No. 45.

Nicholas S. James to R. B. Hoppner, Esq.

Sir,

Lisbon, 17th July, 1831.

I BEG leave to lay before you a statement of a vexatious case which occurred yesterday to my Portuguese Clerk, a lad aged about sixteen, who had been sent, ~~as is usual on Saturdays, for the purpose of recovering money, and on various other errands purely commercial.~~ He was accosted in Rue de Arsenal, on his return to my house, by three persons in plain clothes, and carrying bludgeons, (the principal of whom is named Sulano), and conveyed by them to the Police Guard at Pote das Almas. On his way there, he was met by my English Clerk, Mr. Dyson, who does not speak nor even understand the Portuguese language; and who, surprised to see him a prisoner between those ruffians, asked him what he had done to bring himself into such a situation, and what bills or accounts he had with him? This question was construed by Sulano into an allusion to incendiary papers of some description. On receiving intelligence of his arrest, I waited upon Mr. Vice Consul Meagher, who readily accompanied me to the Police Quarters, and by whose interference on behalf of the British privileges, my Clerk was conveyed to the British Judge Conservator previous to his committal to prison, instead of being at once taken to the Limoeiro by Sulano, as intended.

The prevarications of this man before the Conservator were such as to render it extremely difficult for him to understand the nature of the charge, which, after all, amounted to the following; viz., That on Wednesday last, the day on which the first Supplement was issued, he (Sulano) saw the said Clerk close to the barracks of the 4th Battalion of Royalists, talking with five men of that corps, and that he embraced one of them, saying, "This will soon be over." This, and the question put to him by Mr. Dyson, appears to be the only grounds for the arrest of this unoffending young man.

Far be it from me to utter one disrespectful word against our worthy Conservator; on the contrary, I am convinced that he ordered the prisoner to the Castle as a formality, with which he had not the power to dispense. The arrest in the first instance was unauthorised by the competent Magistrate, and was therefore illegal; and if such unlimited authority be allowed to persons of this description to annoy unoffending individuals from private pique, and to arrest with impunity Clerks of British Subjects, it may cause serious inconvenience and loss to their employers. In the present case, the said Clerk had taken a Letter from me to forward to a person at St. Antonio do Tojal, countermanding an order which I had, a few days previously, given to purchase 1500 bundles of onions for the Brazil market. It is only now I find that in consequence of this arrest, the Letter was not sent. This may cause me a loss of Rs. 160\$000.

In conclusion, I cannot help remarking the audacity of this Sulano, while the order was making out at the Police Guard for my Clerk to be sent to the Conservator's. On the Sergeant of the Guard remarking that it was necessary that the two associates of Sulano should accompany him, he answered that they had gone in search of other suspected persons to arrest them, and that he would answer for them. This was objected to, and the Sergeant going up stairs for the Captain's decision, Sulano exclaimed contemptuously, that if the prisoner was not allowed to go with him alone to the Conservator's, he would hire a horse and in two hours personally acquaint His Majesty with it, who would soon bring them to reason; and he added, that the prisoner ought to consider himself fortunate in having been treated with so much lenity.

I hope you will not consider that I am going beyond my proper limits in making this representation to you, and I confidently trust you will take measures to prevent the recurrence of similar outrages, as well as to obtain the immediate liberation of my Clerk.

I have the honour, &c.

R. B. Hoppner Esq.
&c. &c. &c.

(Signed) For HENRY JAMES,
NICHOLAS S. JAMES.

Enclosure 4 in No. 45.

José Claudio de Toro to R. B. Hoppner, Esq.

Sir,

Consulate Office, 4 o'Clock, 18th July, 1831.

WHILE on my return to the Office, after executing your commands, I stopped for a moment to speak to a Frenchman, when a Police Soldier and another man in plain clothes accosted me, and asked me if the person with whom I had just spoken was a Frenchman: I replied he was; upon which the Police Soldier laid hold of me by the collar, and struck me a violent blow on the mouth, which cut my lip, and his companion then asking me who I was, I replied that I was your Courier; upon which he also struck me another violent blow on the back with his club. They then told me that they had a mind to beat me to mummy, and then take me to prison, but that I might depart, adding, that they knew me, and would beat me to atoms the first night they met me. I hasten to communicate this outrage, which I most solemnly declare to you was unprovoked on my part, as I had not spoken with, or in any way offended, those men, but was hurrying back to the Consulate to give an account of the message on which you had sent me.

I am, &c.

(Signed) JOSE CLAUDIO DE TORO.

R. B. Hoppner, Esq.

&c. &c. &c.

Enclosure 5 in No. 45.

Mr. Gideon Lowley to R. B. Hoppner, Esq.

Sir,

Lisbon, 18th July, 1831.

I REGRET being under the necessity of troubling you with the statement of a case of wanton and unprovoked insult, which occurred on Saturday about 8 o'clock.

While returning home, I was met by a Battalion of Royalist Riflemen, at the Calçada do Carmo. I had not an opportunity of passing them; but knowing the excited state of the minds of these men I tried to avoid them by standing aside. A boy in the crowd observing me, ordered me to join in the *vivats* to Don Miguel; and as I paid no attention to this, a Soldier (I believe an Officer) knocked off my hat. This was followed by a blow in the face from a man with a stick in his hand; and although I had then complied by standing uncovered, I received several bruises from an Officer with his naked sword. A third drew his sword with great fury, when fortunately an Officer interposed and inquired if I was not English, to which I of course replied I was one.

I consider my life to have been in imminent danger; had it not been for the timely interference of the above Officer, I certainly should not have escaped without severe corporal injury.

I am further induced to make this statement, considering it to be a duty which I owe to my Country, and particularly to the British Residents in Lisbon, in order that you may have an opportunity of convincing these disturbers of the peace, that British Subjects are not to be insulted with impunity.

I have the honour to be, &c.

R. B. Hoppner, Esq.

(Signed)

GIDEON LOWLEY.

&c. &c. &c.

Enclosure 6 in No. 45.

Decree published in the Lisbon Gazette of July 22nd, 1831.—(Translation.)

THE extraordinary effervescence which during the last days has existed in this Capital, and which has been the result of an enthusiasm for the defence of the Sovereign and of the Country, universally excited amongst its inhabitants by the entrance of the French Squadron into the Tagus, having subsided, and there being consequently no further obstacle to prevent law and good order from recovering fully that vigour and influence which they ought always to have, it is His Majesty's determination that you employ all the means within your reach, to prevent the repetition of some excesses committed during those days by private individuals, against different other persons whom they designated as belonging to the revolutionary party. His Majesty has been informed that these excesses were for the most part provoked by some criminal acts on the part of those against whom they were exercised, but Law and Justice which alone can form the happiness of Nations, and maintain the firmness of thrones, will not permit such crimes to be punished otherwise than by the competent Authorities and proper means. Being thus made acquainted with His Majesty's determination, you may also rest assured that the repetition of similar excesses will be very displeasing to His Majesty.

God preserve you,

(Signed) LUIZ DE P. F. C. DE R. MENDONCA.

Senhor Joaquim G. da Silva Belfort.

Enclosure 7 in No. 45.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 1st July, 1831.

WHEN I had the honour of seeing your Excellency on Monday last, I took occasion to mention the violent conduct of a set of men armed with club-sticks, who wantonly, and in the most unprovoked manner, attack every person at all obnoxious to them, being themselves apparently protected by some influence that places them above the control of the constituted Authorities of the Country. When power is intrusted to such people, it is not difficult to foresee that it must be frequently abused, but it may not be equally easy to say to what effects their violent conduct may ultimately lead. These observations, I am induced to repeat to your Excellency, in consequence of the accompanying Letter, which has been addressed to me by Captain Phillips, of His Majesty's Ship *Ariadne*, enclosing one from Captain Frankland of His Majesty's Ship *Dispatch*, detailing a wanton outrage to which the latter was last night exposed when returning quietly to his boat. In submitting these Papers to your Excellency, I have to call your Excellency's attention to the fact, that upon Captain Frankland's appealing for protection to a Military Authority then at hand, the latter was unable, or unwilling, to render him any assistance, and again earnestly to entreat your Excellency to exert your influence to put a stop to so disgraceful a system of misrule, which, while it can have no other effect than that of brutifying the inhabitants of a Country who are subjected to it, may involve those who have resort to such means of coercion, in difficulties and embarrassments which they perhaps neither contemplate, nor will be able to avert when they come upon them.

I have the honour to be, &c.

His Excellency Viscount de Santarem.
&c. &c.

(Signed)

R. B. HOPPNER.

Sub-Enclosure A in No. 45.

Captain Phillips to R. B. Hoppner, Esq.

His Majesty's Ship Ariadne, in the Tagus,
July 1st, 1831.

Sir,

I BEG leave to inclose to you a Report I have received from Captain Frankland, of His Majesty's Ship, *Dispatch*, detailing a wanton attack made upon him by some ruffians in the streets of Lisbon, when he was quietly proceeding to his boat. Arriving at the moment on the spot, I have to confirm that part of the statement wherein it is stated that the Serjeant of Police had allowed the offenders to escape, notwithstanding Captain Frankland requested him to arrest them; and also the refusal of an Officer, who seemed to command, although in plain clothes, and whom the ruffians styled Major, to give his name, and the necessity of going to the Police Station to find some person to whom the case could be brought home.

The drivers of the carriages were alarmed, and a patrol was sent from the Police Office, to see that no further insult was offered.

I have, &c.

(Signed)

CHARLES PHILLIPS,

Captain of His Majesty's Ship Ariadne,
and Senior Officer in the Tagus.

R. B. Hoppner, Esq.
&c. &c. &c.

Sub-Enclosure B in No. 45.

E. A. Frankland, Esq. to Captain Phillips.

His Majesty's Sloop Dispatch, in the Tagus.

Sir,

July 1st, 1831.

I BEG leave to represent to you, that last night, towards 12 o'clock, I was coming down the Rua de S. Roque, in Lisbon, in a carriage, accompanied by Mr. Ramsay, the Surgeon of this Sloop, on my way to my boat at the Caes do Sodr , when four or five men, armed with clubs, stopped my postilion, and, he says, struck him on the neck without the slightest cause or provocation. I immediately alighted to ascertain the motive for such outrageous conduct, and could discover none; but on the offenders seeing me to be an English Officer, they begged me to proceed on my road. As, Sir, you arrived on the spot while I was expostulating with these people for such an insult offered me in the person of my Servant, and witnessed the difficulty which we met with in endeavouring to make a Serjeant of Police, who arrived at the time, arrest one of the ruffians, who was permitted to escape, I do not think I can add more to my statement, than my request that you will lay my complaint before Mr. Hoppner, the Consul-General, that he may make such a representation to the Portuguese Government, as will shield us from such wanton insult.

I am, &c.

(Signed)

EDWARD A. FRANKLAND,
Commander.

R. B. Hoppner, Esq.
&c. &c. &c.

Enclosure 8 in No. 45.

Visconde de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir,

Palace of Queluz, 7th July, 1831.

HAVING written to the Minister of Justice as soon as I received your note of the 1st instant, on the subject of the occurrence which took place in the Rua de S. Roque, in this capital, on the night of the 30th June last, with Captain Frankland, of His Britannic Majesty's Ship *Dispatch*, I have just received an answer from the said Minister, under date of the 3d instant, ac-

quainting me that he has forwarded to the Intendant General of Police the Royal Order which appears by the enclosed copy, and which I have the honour to transmit to you, in answer to your said note.

God preserve you.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) VISCONDE DE SANTAREM.

Sub-Enclosure C. in No. 45.

(Translation.)

Queluz Palace, 3d July, 1831.

THE King our Lord is pleased to direct that you should take the most effectual measures within your reach to render the protection of the Portuguese laws always efficacious, in regard of the subjects of any foreign Government. His Majesty, who never departs from the rules and principles of Justice, and who desires nothing so much as the good of the people whom Divine Providence has intrusted to his government and direction, towards which one of the most conducive means is the personal security promised by the laws, it is His Majesty's will, that *that* security be inviolably maintained; but that with respect to any foreign subjects, His Majesty recommends you to employ your care and diligence in causing *that* personal security to be obtained, not only for the general reason already stated, but because they, the said foreigners, being away from their own country, and far from the protection of their own governments, it is His Majesty's wish that, for *that* very reason, the Authorities should afford them most particular assistance; you are, however, to understand, that this recommendation which His Majesty makes to you is by no means to be considered as authorising them to deviate from those duties which the laws of nations impose upon every individual who resides in a foreign country; but that while, on the one hand, you cause your subordinate Authorities to protect them effectually, as recommended to you, you are, on the other, to take care that they do not in any way fail in the exact observance of the Portuguese laws which maintain public and private security, inasmuch as being in Portugal, they are, by the said Laws of Nations, which bind all Nations without exception, subject to them, and obliged to observe them.

God preserve you.

(Signed) LUIZ DE P. F. DO RIO D. MENDOUCA.

Senor Joaquim Gomes da Silva Belfort.

Foreign Office, 7th July, 1831.

(Signed) JOSE MARIA DE SALES RIBIERA.

Enclosure 9 in No. 45.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 18th July, 1831.

THE occurrences of the past week, which made me unwilling in any way to add to the embarrassments of the Portuguese Government, prevented my replying sooner to the note, with which Your Excellency honoured me on the 7th instant, enclosing an order from the Minister of Justice, to the Intendant General of Police, under date, of the 3d instant.

Although written two days later than my Letter to Your Excellency, complaining of the insult offered to the Captain of His Majesty's Ship *Dispatch*, in the Rue de S. Roque, I cannot conceive that the order in question is intended as a reply to that Letter. It contains no expression of regret, that a scene so disgraceful as the one described by Captain Frankland, should have occurred in this Capital, within sight of the Armed Police, ostensibly kept for the protection of its inhabitants; no disavowal of the ruffians, by whom the outrage on him was committed; no promise that they should be sought for and

punished. Instead of this, are some common-place expressions, of a wish to protect strangers resident in the country, which is belied by facts of daily occurrence, (or which, if it really exists, is a proof of the impotence of the Magistrates themselves) and some observations approaching to an insinuation, that any troubles they are exposed to, are brought upon them by their own misconduct. If there is any ground for such a charge, it should be distinctly stated, that it may be regularly answered: if not such gratuitous remarks, implying a doubt in the instance immediately alluded to, of the propriety of the conduct of a British Officer, ought not to be made, and cannot be permitted to pass unnoticed.

On the night in question, Captain Frankland had been dining at the house of Mr. Lucas, a respectable Merchant, and was returning quietly to his boat, in his chaise, when he was forcibly stopped, and his driver assaulted by a set of ruffians. Making every allowance for the jealousy and suspicion of a Government, so situated as is that of Portugal, it is impossible to discover in this transaction any thing opposed, either to the laws of Portugal, in particular, or to the general laws of Nations, to which strangers in a foreign country are amenable. For what purpose then is reference made to them in this instance? What connection have they, either with the conduct of this highly respectable Officer, or with the ruffians who assaulted him; unless, as it appears, to show that the latter enjoy the protection of the very authority which appeals to the observance by others of the laws of the country, while it does not scruple to have recourse to means the most barbarous, in order to maintain itself: to means such as must stamp it with ignominy in the opinion of every civilized country. That such is the character of the force now employed in this Capital, can any one deny, who has witnessed the revolting scenes daily enacted during the last week, by the misnamed Royalists? A term, which as it implies everything noble and exalted, cannot belong to a set of lawless barbarians, alike disgraceful to humanity, insulting to civilization, and an opprobrium to the Government, which suffers their existence in the very Capital of the Kingdom. However interesting such a question may be to the Portuguese Government itself, I shall not stop here to enquire whether the other Powers of Europe, when informed of the means of coercion resorted to in this Capital, can believe in the attachment of a people, who are kept in subjection, by the employment of a force of so revolting a character, and tending directly to brutalize those over whom it is exercised. Such observations, I may be told, are an interference with the internal Government of the Country, and with the measures deemed necessary for its protection. My duty, however, is to show to Your Excellency, and this you will perceive in the enclosed papers, how little safety is enjoyed under the existing system, by strangers resident for commercial purposes in this Country, notwithstanding the Decrees published in their behalf, and the repeated assurances of protection which they receive from the Government itself. It is on this account, that I feel myself justified in complaining of the employment of a force which is not subject to the ordinary control of the Magistrate, and that I venture to animadvert on the licentious proceedings of an armed rabble, who act as if they knew and felt that they were above the cognizance of the laws. Against the arbitrary proceedings of these wretches, no man is safe: the most quiet and unoffending Citizen, may become the victim of their unfounded allegations, and cruelty and persecution, are as certain on the one hand, as redress and relief are of difficult attainment on the other. To the charges contained in the enclosed letters, I beg Your Excellency's earnest and immediate attention, and that such measures may be taken, as may secure His Majesty's Subjects, resident here, from the wanton infliction of cruelty, and an illegal and unwarrantable interference with their ordinary avocations.

In submitting these complaints to Your Excellency, there is still another which I cannot with propriety pass over in silence. I allude to the resumption of his Office, by José Verissimo, notwithstanding the Decree of the 30th April last, and the solemn promise therein given by the Government, that this man should not again be employed in any way whatever. It is of no consequence

that I cannot as yet complain of any immediate act of aggression by him, on any British Subject; I reply that we have no security against the lawless proceedings of a man of his known violence of character, and that I have a right to claim protection against the possibility of an evil to which experience of the past, and his avowed hostility to British Subjects, render the latter peculiarly liable.

It is more desirable, if possible, to prevent the occurrence of any offensive act, than to take the chance of getting it subsequently redressed. On the part, therefore, of my Government, I protest in the most decisive manner, against the public re-employment of this individual, and I hold the Portuguese Government responsible for any act of which he may be guilty, in the slightest degree offensive or injurious to the rights and interests of His Majesty's Subjects.

In conclusion, I earnestly submit to Your Excellency, the expediency of putting a stop to the violent measures, now resorted to in the Capital.

The dignity and decorum of the Portuguese Government itself, requires that a Force, such as that of the so named Cacetes (a force repugnant to the notions of all civilized people) should be instantly suppressed: that violence should not be permitted to usurp the place of the established laws of the Country; but that while the regular Police of the City is quite sufficient to maintain its tranquillity, the peaceable inhabitants should no longer be exposed to the insults and cruelty of these ruffians, who now fill the streets and public places, and by their insolent interference, prevent the re-establishment of order, and keep up a state of excitement, which it must be for the interest of the Government itself, to put an end to.

While my letter was in the act of being copied, an insult has been offered to the Courier, in the pay of His Britannic Majesty's Government, of as aggravated a nature, as any of the others which I have before had the honour to submit to Your Excellency, the report of which I enclose herewith. These details will, I trust, convince your Excellency of the urgent necessity of taking some decisive measures, to put a stop to the state of licence existing in the Capital, from the power most unwarrantably committed into improper hands. On the general feeling of alarm resulting from it, it is unnecessary for me to dilate, nor on the pernicious consequences which must naturally ensue, if the Government does not exert itself to terminate so disgraceful a state of misrule; and which to reflecting minds, affords the strongest proof of the absence of that affection in the people, an opinion of which it is the wish of the Government to establish, from the absolute inutility of similar measures, wherever the smallest particle of such affection is to be found.

I have the honour to be, &c.

His Excellency, Viscount de Santarem, (Signed) R. B. HOPPNER.
&c. &c. &c.

Enclosure 10 in No. 45.

The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.

Foreign Office, 22 July, 1831.

HAVING conveyed to the knowledge of His Majesty's Government the two Notes which you addressed to me, under date of the 18th and 19th instant, relative to the disagreeable occurrences which took place in this Capital and in St. Ubes, some turbulent individuals having molested several British Subjects, His Majesty's Government regretted extremely that such acts should have been committed, and immediately ordered, according to the official communication of this date, which I have just received from the Minister of Justice, that for the due punishment of the parties implicated, the competent Authorities should immediately proceed to the institution of summary processes against them.

With regard to the occurrence which took place in St. Ubes, as due repa-

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ration has already been made, and you have expressed yourself satisfied, nothing remains to be said by me on the subject. As regards, however, the dismissed José Verissimo, I have received the fullest assurance that that individual is not filling any employment whatever.

I cannot on this occasion forbear expressing my liveliest feelings of regret for those occurrences.

God preserve you.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

No. 46.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 21.)

(Extract.)

Lisbon, 6th August, 1831.

IT has been my painful duty to make your Lordship acquainted with the disorganized state of this Country, resulting from the violent measures adopted by the Government, and the power which has been placed in the hands of the rabble for the purpose of overawing the better classes. I regret to have now to inform your Lordship of a shameful outrage committed upon two of the Officers of His Majesty's Ship *Briton* (Mr. Fitzroy and Mr. Parnell) which might have been attended with the most serious consequences to both of them. These young Gentlemen had gone on an excursion into the Country, and were assailed in a bye road by some of the peasantry who left them for dead on the ground, after beating them most unmercifully and robbing them of the little property they carried about them. The further particulars of this outrage your Lordship will be put in possession of by the enclosed statement forwarded to me by Captain Markland, and transmitted in a Note which I immediately addressed on the subject to M. de Santarem, Copies of which I have herewith the honour to submit to your Lordship's attention.

Although from the circumstance of the robbery of these young Gentlemen it would seem that the attack on them was made with a view to plunder, in which light I have considered it in my Note to Viscount de Santarem, the fact of the deed being perpetrated by broad day light within sight of a Village, and that the Men who commenced it were joined and assisted by several others as soon as the latter perceived what was passing, is a sufficient proof that this was not the real purpose with which they were assailed. The outrage was indeed, as I have been since informed, committed under the idea that they were French Officers, and in consequence of the language held from the pulpit of the Village where the transaction occurred on the preceding Sunday, when the Curate informed his hearers that the French Fleet was in the possession of the Portuguese Government, and that if they met with any Foreigners about the fields or roads, these were Deserters flying from the vengeance of the Authorities, and to be dealt with accordingly.

It is with pain that I have to state to your Lordship that the prisons of the City not being found sufficient to contain the additional victims which are sent in from all parts of the Country, a large place has been arranged in the Arsenal for their reception, and that the Convicts and Criminals have been removed from their dungeons to make room for such as are guilty, perhaps of no other crime, than having expressed an opinion as to the legitimacy of Dom Pedro's rights, or of having inadvertently given offence to some adherent of the present Ruler of Portugal.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure in No. 46.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 4th August, 1831.

THE Undersigned, His Britannic Majesty's Acting Consul General in Portugal, has the honour to transmit to his Excellency the Viscount de Santarem, the accompanying Copy of a Statement, forwarded to him by Captain Markland, setting forth the barbarous treatment experienced by two of the Officers of His Majesty's Ship *Briton*, under his command.

These gentlemen, Mr. Fitzroy and Mr. Parnell, having gone on an excursion into the Country, were met in a bye way, near the Village of Pero Negro, beyond Bucellas, by some peasantry, who, without the slightest provocation, assaulted and robbed them, leaving them, after beating them most unmercifully, for dead upon the road, in which helpless condition they remained for several hours, when they were conveyed to a neighbouring Village, and from thence sent, under charge of the Police, to Lisbon.

The Undersigned, convinced that the Portuguese Government itself must feel the greatest interest in repressing such scandalous acts, is persuaded that he has only to make these circumstances known to his Excellency Viscount de Santarem in order that his Excellency should move the Minister of Justice to cause the strictest inquiry to be made after the perpetrators of so shameful an outrage that they may be brought to justice, and receive the punishment awarded by the laws of the Country to such misdeeds: nor, from the publicity of the act, and the number of persons concerned in it, can there be the slightest difficulty in meeting with the culpable parties.

The Undersigned avails himself, &c.

Viscount de Santarem,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Sub-Enclosure in No. 46.

Messrs. Fitzroy and Parnell to Captain Markland.

His Majesty's Ship Briton, 3d August, 1831.

ABOUT 5 p.m. on Monday the 1st instant, the Undersigned Lieutenants of His Majesty's Ship *Briton*, having just gone through a small Village, about half a league on this side of Pero Negro (on a little pedestrian tour), were followed by a man, of whom they asked several questions concerning the road. Having told them he was going to Pero Negro, they accompanied him for a short distance, when he was joined by another from the Village, to whom they also spoke with civility. When about 500 yards from the Village, they observed several more men before them, apparently attending to the grazing of cattle; and at this moment one of those who accompanied them laid hold of Lieutenant Parnell's left arm; upon which he instantly put his other hand into his breast for his pistol, but before he could get it out both the men made a desperate attack on the two Lieutenants; on which seven or eight of the men in advance ran to support them. Lieutenant Fitzroy knocked one of the men down with his stick, and broke his head. Lieutenant Parnell also got the other man down, and took the pistol out of his pocket, which he cocked and was just in the act of pointing it at him, when he received a blow on the head which nearly stunned him: the pistol at the same moment went off, but did not hurt any person. The whole party then beat them with long heavy sticks, until they supposed they were dead, and having taken Lieutenant Parnell's watch and some money, and other trifles, from both their pockets, they went away apparently towards Pero Negro.

The Undersigned lay on the ground until about half-past seven o'clock, when a man came and helped them to get on their legs, and shewed them the

Bucellas road, where they arrived about half-past nine, and were kindly treated by a Magistrate, and had their wounds dressed by a Surgeon.

(Signed)

C. FITZROY.
H. W. PARNELL

No. 47.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 30.)

My Lord,

Lisbon, 13th August, 1831.

WITH reference to my Despatch of the 6th inst., wherein I had the honour to inform your Lordship of the assault on Messrs. Fitzroy and Parnell, of His Majesty's Ship *Briton*, I have now further to transmit to your Lordship, the Copy and Translation of a Note addressed to me by Viscount de Santarem, on that subject, together with my Reply to the same. Receiving subsequently some ulterior information relative to the perpetrators of this outrage, I forwarded it to M. de Santarem in a Note, of which I also have the honour herewith to inclose a Copy: the wish evinced by the Portuguese Government to persuade me that this shameful deed was the act of high-way robbers, rendering me solicitous to watch their proceedings, in order that the Culprits may not, through their connivance, be permitted to escape, but may meet with the punishment they deserve.

Having had occasion on this, and some other recent instances, to acquaint your Lordship with the injuries inflicted upon British Subjects, in consequence of the violent measures adopted by the Portuguese Authorities, it may not be deemed altogether foreign from this question, to show the treatment experienced by a Portuguese Subject, for no other reason than because he was found in the Society of some Englishmen. The particulars of this unmanly assault are contained in the accompanying Statement; to which I have only to add, that not feeling myself authorized to make official application on behalf of this individual, being a Portuguese, I wrote a private Note respecting him to M. de Santarem, and subsequently more than once spoke to him, soliciting his interference to procure the liberation of this unfortunate person. On these occasions M. de Santarem promised to exert himself to the utmost to effect this purpose; not only as he said, out of regard to my application, but for humanity's sake,—yet up to this day has this Officer been allowed to languish in prison, prevented from all communication with his family, nor to any inquiry that is made, can any other answer be obtained than that the case shall be looked into. I am sensible that I am only intruding on your Lordship's time, and harrassing your feelings by laying this Statement before your Lordship; but having of late repeatedly spoken of the barbarities committed here with the sanction of this Government, I have thought that your Lordship would not disapprove of my forwarding to you so well authenticated a statement of a case, of which so many examples have recently occurred.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 47.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Foreign Office, 5th August, 1831.

WHEN I yesterday received your Note relative to what occurred in Bucellas, to two British Navy Officers, C. Fitzroy, and H. Parnell, I had just received a Communication from the Intendant General of Police, acquainting me with that occurrence, and informing me that he had immediately given orders

that the utmost diligence should be used in discovering, and punishing with all the rigour of the laws, the individuals who robbed and maltreated those Officers, the Intendant himself being of opinion, from the nature of the fact, and its circumstances, that those individuals were high-way robbers.

I cannot omit expressing my feelings of regret for this occurrence ; and I have to assure you, that I will employ all means in my power in order that a prompt and just punishment may serve as an example, and as a reparation for the act.

God preserve you.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed)

VISCOUNT DE SANTAREM.

Enclosure 2 in No. 47.

R. B. Hoppner, Esq. to Viscount de Santarem..

(Extract.)

Lisbon, August 8, 1831.

I HAVE had the honour to receive the Note which your Excellency addressed to me, under date of the 5th instant, in answer to my complaint of the assault on Messrs. Fitzroy and Parnell, of His Majesty's Ship *Briton*. By this I perceive that the Intendant-General of the Police would wish to impress me with the belief that this assault was committed by highway robbers.

It unfortunately happens to disprove the colouring which the Intendant-General of Police would give to this transaction, that the men, who commenced the attack on those Gentlemen are, if I am not misinformed, perfectly well-known in the neighbourhood where it occurred, and I hope, myself, in the course of a few days, to be able to furnish the Intendant-General of the Police with their names ; unless he would himself prefer causing inquiry to be made for them at the Casal do Urmeiro, on the declivity of the Serra do Forte Grande, Freguezia de Avanho : that the peasantry, who witnessed the attack on these two peaceable and inoffensive travellers, instead of hastening to their assistance, as they would have done had they fancied them to be in the hands of robbers, and had they not known the persons of the latter, took part with the aggressors, and after most unmercifully beating them, that they forgot their supposed purpose, as is evident from the few articles taken from their persons while they lay helpless and exhausted from the consequences of the ill-treatment they had experienced.

I have the honour, &c.

Viscount de Santarem.

(Signed)

R. B. HOPPNER.

Enclosure 3 in No. 47.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 12th August, 1831.

HAVING hitherto received no answer from your Excellency in reply to the Note I had the honour to address you, under date of the 8th instant, respecting the assault on Messrs. Fitzroy and Parnell, of His Majesty's Ship *Briton*, I now proceed to give your Excellency such further information as has reached me concerning this transaction. According to this, the two individuals, who commenced the attack upon these officers, are the sons of the Farmer who occupies the Casal do Urmeiro, referred to in that Note. These young men have been already examined by the Judge of the Village of Camodulos, and are known to bear the marks of the bruises they received from the English Officers, whom they allege to have been the aggressors, though they do not shew how, if this were the case, they came to be in possession of Mr. Parnell's watch.

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Although I can have no doubt that the Police will prosecute, and is, in fact, proceeding with the inquiry, since I learn that the judicial acts are in the hands of the *Dezembargador Motta Juiz do Bairro d'Alfama*, I take the liberty of suggesting the propriety of conveying the two individuals in question, without loss of time, to Lisbon, in order that they may be confronted with the above named Officers, who will be able at once to prove their identity, and thus secure the ends of justice.

I have the honour to be, &c.

Viscount de Santarem.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure 4 in No. 47.

THIS is to Certify, that on the evening of the July, at about eight o'clock in the evening, I entered the Coffee-house on the *Caes do Sodre*, where was present *Guilherme Frederico Marcelly*, with several Englishmen. During the time we were there, the well-known *Telles*, accompanied by another man, both armed with thick bludgeons, came into the Coffee-house, and, after impudently staring at every person present, walked away. The waiters, somewhat alarmed at the impertinent intrusion, closed the doors at an earlier hour than usual, and the above-mentioned *Marcelly* and myself set out for our respective homes. On crossing the *Caes*, we observed the above-named *Telles*, with about twenty more ruffians, armed with clubs and thick sticks; one of whom addressed an insolent sarcasm to me, without at all noticing my companion, who separated from me at the bottom of the *Rua do Alecrim*, and went down the lane that leads under the arch, whither he was immediately followed by the whole band of these cowardly assassins, who attacked him furiously with their sticks. In vain were his cries for help, in vain my cries for the Police Guard, who were quite within hearing; they were deaf to both, and it was not until near a quarter of an hour had elapsed, and the unfortunate *Marcelly* had fallen a victim to the repeated blows of his enemies, having sunk to the ground senseless, and almost lifeless from loss of blood; that the Guard arrived, when they conveyed the unfortunate man to the Guard-house, where he remained all night without any attendance, and was next morning transferred to the Castle, where he still is kept prisoner; whilst the dastardly villains who were authors of this brutal attack were allowed to depart unmolested; nay, they even struck several blows after the arrival of the Police Guard!

(Signed)

HENRY BROWN

WE the Undersigned do hereby Certify that we have been long acquainted with *Guilherme Frederico Marcelly*, a Portuguese Subject, and know him to be a quiet, inoffensive, and peaceable man; and in the present state of affairs in Portugal, particularly studious to avoid giving offence to the Authorities by the expression of political sentiments, &c.; and we firmly believe that nothing but his associating with the English, among whom he has a numerous acquaintance, from his knowledge of the language, and his having been Aid-de-Camp to several British Generals during the Peninsular War, was the cause of the cowardly and brutal attack made on him by the ruffians who infest the streets of Lisbon with impunity; and of which a faithful account is annexed.

(Signed)

FRO. FORREST.

J. FHYMHY.

H. J. SHEEHAN.

C. J. E. LOTT.

MICHL. KELLY.

THOMAS GRIMSDICK.

JOSE. HARDY.

SAMUEL TUGMAN.

J. G. SHEEHAN.

R. B. Hoppner, Esq. to Sir George Shee.—(Received September 8.)

Sir,

Lisbon, 20th August, 1831.

M. DE SANTAREM yesterday informed me, that the two principles concerned in the attack upon Messrs. Fitzroy and Parnell had been arrested, and that the Police had hopes of identifying and taking up some of the others. This measure of justice appears, also, indicative of a better spirit in the Government, as there is no doubt that great efforts were at first made to screen these persons from the punishment they deserve.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 25th August, 1831.

I HAVE received your despatch of the 6th inst. in which you give an account of a violent outrage committed upon Mr. Fitzroy and Mr. Parnell, Officers of His Majesty's ship *Briton*.

You are instructed to demand from the Portuguese Government that it will immediately take the necessary steps for bringing the offenders to justice, and you will report the result by the first opportunity.

You will, at the same time, state to the Portuguese Government, that His Majesty's Government are unwilling to think that there can be any just foundation for the reports which have reached them, of the causes which have led to this barbarous attack upon two Officers in His Majesty's service. His Majesty's Government will not allow themselves to believe it possible, that in any part of Europe a Government can exist which could instruct or encourage the Ministers of religion to excite the people to waylay and murder unoffending Foreigners, who believing themselves to be in a civilized country, where the laws and habits of society give protection to property and life, might traverse singly or in small numbers the roads and villages in broad day.

You will however endeavour to ascertain what foundation there may be for a report which affects in so serious a manner the character of the present Government of Portugal, and the system by which that country is administered; and you will report to me the result of your enquiries.

I am, &c.

R. B. Hoppner, Esq.

(Signed)

PALMERSTON.

&c. &c. &c.

COPIES and EXTRACTS of Applications which His Majesty has received from the Government of Portugal in reference to the Demands made upon that Government by the King of the French, and to the proceedings of the French Squadron in the Tagus ; and of the Answers returned, by His Majesty's command, to such Applications ; and of Representations made to the Government of France thereupon, and of the Answers to such Representations ; together with Copies and Extracts of Communications between His Majesty's Government, and His Majesty's Ambassador at Paris, and His Majesty's Consul-General at Lisbon, relative to the French Expedition to the Tagus.

CORRESPONDENCE

RELATIVE TO THE

FRENCH DEMANDS.

LIST OF PAPERS.

	Page
No. 1. R. B. Hoppner, Esq.... to Viscount Palmerston,Lisbon, 4 February, 1831	1
No. 2. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 11 February, —	1
No. 3. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 26 February, —	2
No. 4. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 5 March, —	2
No. 5. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 12 March, —	3
No. 6. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 19 March, —	3
No. 7. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 25 March, —	5
No. 8. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 2 April, —	5
No. 9. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 2 April, —	6
No. 10. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 9 April, —	7
No. 11. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 9 April, —	8
No. 12. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 11 April, —	9
No. 13. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 16 April, —	11
No. 14. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 23 April, —	11
No. 15. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 23 April, —	12
No. 16. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 30 April, —	12
No. 17. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 14 May, —	13
No. 18. Viscount Granville to Viscount Palmerston,Paris, 20 May, —	13
No. 19. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 21 May, —	13
No. 20. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 24 May, —	16
No. 21. R. B. Hoppner, Esq. ... to Viscount Palmerston,Lisbon, 28 May, —	17
No. 22. Viscount d'Asseca to Viscount Palmerston,London, 1 June, —	17
No. 23. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 4 June, —	19
No. 24. Viscount d'Asseca to Viscount PalmerstonLondon, 7 June, —	22
No. 25. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 10 June, —	28
No. 26. Viscount Granville to Viscount Palmerston,Paris, 13 June, —	29
No. 27. Viscount Palmerston ... to R. B. Hoppner, Esq... Foreign Office, 17 June, —	29
No. 28. Viscount Palmerston ... to H. Hamilton, Esq. ... Foreign Office, 17 June, —	31
No. 29. Viscount Palmerston ... to Viscount d'Asseca ... Foreign Office, 18 June, —	34
No. 30. Hamilton Hamilton Esq. to Viscount PalmerstonParis, 20 June, —	37
No. 31. Viscount d'Asseca to Viscount PalmerstonLondon, 23 June, —	37
No. 32. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 25 June, —	41
No. 33. Viscount d'Asseca to Viscount PalmerstonLondon, 28 June, —	42
No. 34. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 2 July, —	43
No. 35. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 2 July, —	44
No. 36. Viscount d'Asseca to Viscount PalmerstonLondon, 9 July, —	44
No. 37. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 9 July, —	45
No. 38. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 10 July, —	46
No. 39. Viscount Palmerston ... to Viscount d'Asseca ... Foreign Office, 11 July, —	49
No. 40. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 12 July, —	49
No. 41. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 16 July, —	50
No. 42. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 16 July, —	54
No. 43. Viscount d'Asseca to Viscount PalmerstonLondon, 21 July, —	54
No. 44. Viscount Granville to Viscount PalmerstonParis, 22 July, —	58
No. 45. Viscount d'Asseca to Viscount PalmerstonLondon, 23 July, —	59
No. 46. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 23 July, —	64
No. 47. Viscount Granville to Viscount PalmerstonParis, 23 July, —	64
No. 48. Viscount Granville to Viscount PalmerstonParis, 25 July, —	64
No. 49. Viscount Palmerston ... to Viscount d'Asseca ... Foreign Office, 26 July, —	65
No. 50. Viscount Granville to Viscount PalmerstonParis, 28 July, —	65
No. 51. Viscount Palmerston ... to Viscount Granville, Foreign Office, 29 July, —	73
No. 52. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 30 July, —	73
No. 53. Viscount Granville to Viscount PalmerstonParis, 31 July, —	74
No. 54. Viscount d'Asseca to Viscount PalmerstonLondon, 1 August, —	75
No. 55. Viscount Granville to Viscount PalmerstonParis, 1 August, —	79
No. 56. The King's Advocate ... to Vis. Palmerston, Doctor's Commons 9 August, —	79
No. 57. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 13 August, —	81
No. 58. R. B. Hoppner, Esq. ... to Viscount PalmerstonLisbon, 13 August, —	82
No. 59. R. B. Hoppner, Esq. ... to Sir George SheeLisbon, 20 August, —	82
No. 60. Viscount d'Asseca to Viscount PalmerstonLondon, 23 August, —	83
No. 61. Viscount Palmerston ... to Viscount Granville ... Foreign Office, 24 August, —	86
No. 62. Viscount Palmerston ... to Viscount d'Asseca ... Foreign Office, 25 August, —	86
No. 63. Viscount d'Asseca to Viscount PalmerstonLondon, 27 August, —	87
No. 64. Viscount Granville..... to Viscount PalmerstonParis, 27 August, —	89

CORRESPONDENCE

RELATIVE TO THE

FRENCH DEMANDS.

No. 1.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received February 13.)

(Extract.)

Lisbon, 4th February, 1831.

AN act of unusual severity, is also threatened against a young Frenchman of respectable parents, a M. Bonhomme, student at Coimbra, who has been for some time past under confinement there, on a charge of committing, in company with some other scholars of that University, a breach of public decency in the cathedral church of that city, during the holy week. Notwithstanding the improbability of the charge, and the defective evidence adduced in support of it, this young man has been sentenced to be publicly whipped through the streets of Lisbon, and afterwards to ten years banishment to Angola. The French Consul-General, (his countryman, although not accused of greater culpability than his Portuguese companions, being alone selected to suffer this ignominious punishment,) has made the most energetic remonstrances against such a sentence, stigmatizing it as an insult to his country, but hitherto without producing any promise of its mitigation.

I have the honour to be, &c.

Viscount Palmerston
&c. &c. &c.

(Signed) R. B. HOPPNER.

No. 2.

R. B. Hoppner, Esq. to Viscount Palmerston. —(Received February 25.)

(Extract.)

Lisbon, 11th February, 1831.

SEVERAL individuals have been taken up, but chiefly persons in the lower ranks of society. In Lisbon, the number is said to amount to 50, at Belem, 28, and the police are very active in their endeavours to discover the leaders in this conspiracy, but hitherto without success. The house, also of a French merchant, long established here, a M. Sauvinet, was entered by the police, and he himself has been committed to the Limoeiro, (the common jail) where he is confined in secret with his daughter, (who at her request, was permitted to accompany him) in consequence as I learn, of the deposition of a non-commissioned officer of the 16th, the barracks of which regiment, are directly facing M. Sauvinet's house, that he saw rockets thrown off in his garden. Some persons also, who were assembled in a kind of tavern, belonging to him in the town, were arrested at the same time; no one being found in his house, where it had been asserted, that meetings had been previously held. I have mentioned in a preceding despatch, the sentence passed upon a young French student at Coimbra, and this fresh arrest of an old man, seventy-six

years of age, who has been for some years past a great invalid, and was not likely to have taken any share in this conspiracy, is an additional proof of the hostile feeling of the royalist party, towards the French, arising from an opinion they entertain, that the French are at the bottom of, and take an active part in these insurrectionary attempts; an opinion that also accounts for the virulence of the abuse heaped upon them, as abettors of the Pedreiros, or Freemasons, in the journals which support the present Government.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

P. S. It is with regret, that I have to inform your Lordship of the imprisonment of several respectable merchants, besides the persons mentioned in this despatch.

No. 3.

R. B. Hoppner, Esq. to Sir George Shee.—(Received 9th March.)

(Extract.)

Lisbon, 26th February, 1831.

NO sentence has yet been promulgated by the commissioners appointed to try the unfortunate persons charged with being implicated in the affair of the 8th, from whence a considerable backwardness is supposed to exist on their part in proceeding with the trials. Thirty-five respectable persons, including four priests, arrested on account of their political opinions, were sent to the Trafaria on the 21st, and entered at the India House previous to their embarkation, all persons who are transported to the East being, as a preliminary obliged to be so registered. On the 21st also three respectable cloth merchants were taken up, but since that no arrests of any consequence have occurred.

I have the honour, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) R. B. HOPPNER.

No. 4.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 13.)

(Extract.)

Lisbon, 5th March, 1831.

THE attention of all classes is still directed to the Commission sitting to try the persons, who, some of them in the most unaccountable manner, have been implicated in the affair of the 8th ultimo. In order to swell the numbers of the supposed criminals, persons who were arrested, several days prior to that event, have been brought, it is said, before the Commission, but nothing positive has hitherto transpired with respect to their proceedings. It is very generally reported, however, that a considerable difference of opinion prevails among the members: the Relator, or Judge who tries them in the first instance, and on whose report the other Commissioners pass their sentence, being determined to put the most lenient construction upon the acts of the supposed criminals; while one has started this difficulty, that there is no law in Portugal which makes it criminal to throw up rockets at any hour of the day or night, consequently that the seditious intentions of the prisoners must be proved, before they can be justly condemned.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) R. B. HOPPNER.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 29.)

(Extract.)

Lisbon, 12th March, 1831.

ANOTHER week has passed without the publication of any sentence on the part of the Commission appointed to investigate the affair of the 8th ult., and many conjectures are formed as to the origin of this delay, which some attribute to the difference of opinion asserted to exist between the military and civil members of the same.

Notwithstanding that the law of Portugal lays down, that no man shall be kept in secret custody for more than three days, M. Sauvinet (the Frenchman whose arrest I mentioned in my despatch of the 11th ult., as charged with taking an active part on this occasion) is still detained in solitary confinement, being, however, occasionally transferred for examination before the Commission. His foreman, and another individual belonging to his establishment, who at the period of his arrest were permitted to remain on the premises, in order to attend to the interests of the concern, have recently been taken up, and although both respectable persons, they were bound together with cords, and led through the streets like malefactors, the soldiers who conducted them to prison insulting and striking them with the flats of their swords on the way. The magistrate of the district in which M. Sauvinet resided, and to whom his examination was, in the first instance, entrusted, declared, it is said, that he found nothing to inculcate him; but the Intendant of Police insists on his guilt, and it is to him that this persecution is especially attributed. With so formidable an adversary, and the facility of obtaining any kind of evidence required to prove his guilt, it is not difficult to foresee what is likely to be the fate of this unfortunate individual, in whose behalf the repeated remonstrances of the French Consul have been without the least avail, being met by the assertion, that he has become a naturalized subject of Portugal.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

R. B. Hoppner, Esq. to Sir George Shee.—(Received March 29.)

(Extract.)

Lisbon, 19th March, 1831.

CONTRARY to the opinion which I ventured to express in my separate dispatch of the 12th instant, that the commission would not pass sentence for the present, upon the persons in whose trials they had been engaged, as being implicated in the affair of the 8th ultimo, it is with the greatest pain I have to state that seven more unfortunate victims have fallen a sacrifice, six others being banished the kingdom, five of whom, and amongst them the Frenchman M. Sauvinet, to the coast of Africa, for different periods. The charges brought against them, many of a frivolous character, as well as the barbarous sentence, which has been literally put in execution, you will find in the printed account published by authority of this Government; and I regret very much, that with the exception of the latter part, it has not been in my power to get this paper translated in time for the packet, as it was not made public until yesterday, and as no one can feel any degree of security under a Government which, as in the case of M. Sauvinet, punishes a man with banishment for ten years to Africa, for the imputed crime of his servant, and for entertaining liberal ideas, and having a quantity of newspapers in his possession, it is not difficult to conceive the consternation which in reality prevails here.

I have the honour, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

Enclosure in No. 6.

(Extract.)

(Translation.)

IT is proved against the prisoner Claude Sauvinet by the declarations, which have been sworn to, of the accomplices Campos, Florencio, and Cato Martins, and of the witness on the farther page of folio 104, that some of the agents of the revolution in question met in his beer-shop in the street called Arcodo Bandeira, No. 78; that the soldiers who had been drawn over were immediately conducted thither, that whatever quantities of beer and wine they might ask for were given them freely and gratis; that thence they went over the way to a room, up four pair of stairs, where the above mentioned revolutionists used to assemble, and whither also beer and cake from the beer shop, just alluded to were carried; and though the prisoner denies either having given authority to his cashier for such articles, or having been privy to the circumstance inasmuch as he lived a great way off in the street Abarracamento, Val de Peireiro, yet does such a denial not relieve him from the imputation, not only because he is responsible in a crime of such magnitude for whatever passed in that shop as its owner, but also because he has confessed in his interrogatories that had been advised twice by his cashier, on the 7th of February preceding, to make his escape, which would not have happened, if the mis-givings of the cashier did not likewise implicate the conscience of the prisoner, which is corroborated by the fact of his having been apprehended while concealed in the upper part of the garret, as is proved by the proceedings, folio 5 of the appendix No. 9. and which no innocent person would do; and another corroboration may be derived from the liberal ideas to which he is so partial, as may be collected from the papers, that were seized in his possession. But there is no clear proof that the rockéts were let off from the house of this prisoner, or that among the papers found upon him, there were any establishing a pre-meditated revolution; for, after examining those which the Intendancy sent to this commission, and which are specified in the appendix No. 9, there were found indeed a great many newspapers, but no manuscripts other than such as bear testimony to his republican ideas and principles.

For these and other reasons stated in the proceedings, they, (the judges) consider, as having incurred the penalties of the Ordenação, book 4th, title 6th, paragraphs 5th and 9th, and those of 15th Article of war, the prisoners Antonio Germano de Brito Correa, Joaquim Jose Pedreira, Jose de Magathaes, Manoel Luiz da Silva, Joaquim Lopes Martins, Vicente Dias de Campos, and Florencio Pereira da Costa; and holding the military prisoners to have lost their privilege, and all of them to have forfeited their naturalisation, they condemn in the order in which they have been named, to be led with halters through the public streets of this city to the "*Cães de Sodre*," there, upon a raised platform, to suffer natural death for ever, by strangling, and their heads being cut off, the same, together with their bodies to be reduced by fire to ashes, and that no memory of them may remain, thrown into the sea; and they, moreover, condemn them to confiscation and loss of all their property in possession or reversion, according to the said Ordenação, book 5th, title 6th, paragraphs 9th and 16th, and to the Alvarà of the 17th January, 1759.

They likewise condemn the prisoners, viz. Maximo Joaquim Lopes, to transportation for life; to S. Jose d'Ancoje with confiscation of his property as before stated, and to be present at the execution of the above named prisoners: Joai dos Santos Oliveira, Jeronmyo Pinto Pereira, Antonio Manoel Gonçalves, to ten years banishment; the first to Mozambique, the second to Rio de Senne, and the third to the settlement of Pedras Negras; Claudio Souvinet, naturalised a portuguese to ten years transportation, to the settlement of Massangano; Antonio Diniz do Cauto Valente, to expulsion from this Kingdom and its dependencies, quitting the prison to go directly on board of

the vessel which is to convey him, under arrest, on pain of being transported to the Coast of Africa, should he in any way contravene this sentence.

They acquit, however, for want of proof, the prisoners, Joao Francisco Xavier, Maria da Carmo, Carlos Antonio Alves, Duarte José Ventura, Joao Duarte Correa, Rafael Possollo Nunes, and Vicente Ferreira Rodriguez de Souza, in order that being given up by the commission, they may remain at the disposal of the police, and they sentence them to the payment of costs.

Lisbon, Royal Naval Council Chamber, 14th March, 1831, as

President : DOCTOR GUIAO.
BARBOZA.
NUNES, Colonel.
SILVA BELFORTE.
ROZA, Colonel.
MACIEL MONTEIRO.
ARAUJO CARNEIRO, Colonel.

No. 7.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 9.)

(Extract.)

Lisbon, 25th March, 1831.

In the sentence passed on M. Sauvinet, the Portuguese authorities declare him a naturalized subject, although they have publicly abrogated all the laws of the Cortes which made him so, and have given up, on our reclamation, English subjects who at the same period passed through forms more binding than any M. Sauvinet had observed.

They are fully aware, however, of the situation in which M. Cassas, the French Consul, is left here, without any reply from his Government to the many complaints which he has transmitted to them, and feel convinced that they have nothing to fear from that quarter in the present political state of France.

The corvette *Urania*, of 24 guns, and two brigs *Don Pedro* of 16, and *St. Sebastian* of 10, are the only vessels of war ready for sea; they have as yet received no orders; but two of these it is said will convoy the store ship *Cardozo e Maya* beyond Madeira, which has been for some time preparing for the conveyance of political prisoners and convicts to the Cape de Verd islands, Mozambique, and Goa; after which they will proceed off Terceira. These vessels will sail, it is thought, by the first of April, and will carry about 300 political prisoners, and 100 convicts for those settlements. M. Sauvinet and the other prisoners condemned to transportation by the commission, have been already removed to St. Julian's for this purpose, and besides these, several other prisoners lately arrested, have been conveyed to that fortress.

In my despatch, of the 4th February, I mentioned the sentence passed by this Government, on a young French student of Coimbra, M. Bonhomme. The first part of this sentence has been to day carried into execution, notwithstanding the repeated energetic remonstrances of M. Cassas, the French Consul.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 8.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 12.)

My Lord,

Lisbon, 2d April, 1831.

IN the course of my correspondence, I have had occasion to inform your Lordship of the hostile feeling evinced by this Government against that of

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France, displaying itself in the violent and almost daily attacks upon the French nation published by authority, as well as in the cruel and unjust sentences passed upon Messrs. Bonhomme and Sauvinet without in either case any legal proof of the charges brought against them.

The French Government, however, has been at length roused from its apparent indifference to what was passing, here, and has sent instructions to M. Cassas their Consul, to demand an immediate and peremptory satisfaction for them. In order to give effect to his reclamations the *Melpomene* a sixty-gun frigate, and *Endimion* of eighteen-guns, were commanded to proceed to Lisbon, and to support the steps which he is directed to take to obtain such satisfaction as they deem themselves entitled to; the *Melpomene* however having met with some accident on quitting Brest, was obliged to put back to that port, in consequence of which the brig alone has arrived here.

Your Lordship will conceive to what extent the madness (for I can give it no other name) of this Government has attained, when informed that they actually hastened M. Bonhomme's punishment on learning that a French brig of war having despatches on board for M. Cassas, had been off the mouth of the river, and was driven to sea again by contrary winds: and it is said that Don Miguel, upon being told that her object in coming here was to claim the immediate liberation of this individual, replied, "that they should have him but with his back well flayed." Meanwhile M. Cassas has addressed a note to M. de Santarem, calling upon that Minister in the name of his Government for compensation to this individual for the personal injuries inflicted upon him: for reparation to the French nation and their Sovereign, for this and the several other insults which for some time past the Portuguese Government have indulged in: for the liberation of M. Sauvinet, and for compensation to him, and to other French subjects who have been aggrieved by the unjust and arbitrary measures of the Portuguese authorities. In the case of non-compliance with these just demands, M. Cassas is directed to quit Lisbon with as many of the French residents as think proper to accompany him, leaving to the ulterior decision of his Government any further steps which they may, under these circumstances, think proper to adopt.

In the instructions transmitted to M. Cassas, it is right that I should inform your Lordship, that he is directed to make me verbally acquainted with the measures he may take in carrying them into execution; and the commanders of the French ships of war are, in like manner, ordered to put themselves in communication with those of any of His Majesty's vessels of war they might find in the Tagus, and to adopt in every respect the most conciliatory and friendly conduct towards them.

I have waited to the last moment before closing this despatch, that I might be able to apprise your Lordship whether any answer had been sent by the Government to M. Cassas's note which reached the Viscount de Santarem's hands on the morning of the 29th ultimo.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

No. 9.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 12.)

(Extract.)

Lisbon, 2d April, 1831.

THE commission appointed for the trial of offences against the State has been actively engaged since the recent executions, and on Sunday last was assembled for several hours at the Palace of Queluz. The purpose of their deliberations on that occasion has not transpired; but it was, at one time, said to be, the discovery of some fresh charges against M. Sauvinet, or to enquire how far they should be able to justify their proceedings against him, in the

event of the French brig of war *Endimion*, which they knew to be at that time off the port, being charged to claim him as a French subject.

In my despatch to Lord Palmerston, I have acquainted his Lordship with the arrival of this brig, and the purport of the instructions brought by her to M. Cassas. Nothing can exceed the anger of the French at the execution of the sentence against M. Bonhomme, and, indeed, they have just reason for it: for, besides the palpable injustice done to him, and the evident intention to insult the whole nation in his person, there cannot be the smallest doubt of his punishment having been hastened, in anticipation of the brig's arrival, a circumstance which greatly aggravates the affront, thus intentionally put upon them. It is impossible to account for this conduct on the part of the Portuguese Government.

The same measures are still resorted to now in the fourth year of Don Miguel's power, and with as much violence as when he first assumed the reins of government. Several respectable persons have been conveyed, within the last few days, to St. Julian's, room being made for them in that and the other prisons, by the removal of the unfortunate people, who are embarked on board the *Cardozo e Maya*, which will sail for Africa in the course of a few days.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 10.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 26.)

My Lord,

Lisbon, 9th April, 1831.

BY my despatch, of the 2d inst., I had the honour to acquaint your Lordship with the arrival of the French ships of war *l'Eglé* and *Endimion*, for the purpose of supporting the demand which the French Consul was directed to make in the name of his Government, of satisfaction for the various insults offered to him by that of Portugal, especially during the last half year.

M. Cassas not having received any answer to the note which he addressed, on the receipt of his instructions, to M. de Santarem, nor even an acknowledgment that the same had come to his hands, wrote to that Minister again on the 5th instant, giving him time until the 11th to transmit his reply, and announcing his intention to embark on the day following, and to quit Lisbon with as many of the French residents as should think proper to avail themselves of the means afforded them by the French Government of returning to their own country, if he should not by that time receive a satisfactory answer.

In furtherance of the same object, he also summoned a meeting of all the French residents at his office, on the 7th instant, to acquaint them with the steps which he had taken in obedience to the orders of his Government and to prepare them to accompany him in the event of the unsuccessful termination of his commission.

On this occasion he informed such of his countrymen as might decide upon remaining here, in case he should be compelled to depart, that he had requested me to receive them under my protection; and that although I was very willing to comply with his wishes in this respect, they must be aware from what had already occurred in Lisbon, and which was known to every one, how very little protection I was able to afford even to the British residents here, and that with regard to them, (the French) any interference on my part would be the less efficacious as it was hitherto unauthorized by my Government.

This in fact was the answer which I had made to him, when he applied to me on the subject, and from the present amicable relations subsisting between His Majesty's Government and that of France, I conceive that I could not with any propriety have refused altogether a compliance with his request.

Up to the present hour the Portuguese Government have not thought proper to notice these just and reasonable demands of the French, and the general opinion appears to be that they will either give no answer at all, or at the last moment, an evasive one, in the hopes of gaining time. Had it been the intention of M. Cassas, as I conceive his instructions would warrant him in doing, to quit this Port immediately on his embarkation, I should have conceived it my duty to detain the Packet, in order to give your Lordship the earliest notice of the termination of this affair; but as he proposes lingering here until the following Saturday, and even addressing another note to M. de Santarem from on board ship, to hold the Portuguese Government responsible for any injury that may accrue either to the French subjects who remain here, or to the property they may be compelled to leave behind them, it is not impossible that the former may at length open their eyes to their folly, and offer an atonement for their insulting behaviour.

If any credit can be given to the various reports circulated here, with respect to this transaction, the Portuguese Ministers are, with few exceptions, not insensible to the danger of the course they are pursuing, or without apprehension of its result.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 11.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 26.)

(Extract.)

Lisbon, April 9, 1831.

THE attention of almost every class of people has been directed, during the last week, to the presence, in this port, of the French ships of war, and to the object of their visit; and of course every kind of conjecture is formed as to the probable decision of this Government, with respect to the claims advanced by M. Cassas. I learn, in the mean time, from this gentleman, that M. Sauvinet, who is still at St. Julian's, is subjected to a species of constant moral torture, with a view to elicit from him, some information against the chiefs of the insurrectionary movement of the 8th of February; promises being made to him, on the one hand, that his liberty will be granted to him in consideration of such relations, while on the other, he is threatened with the execution of the sentence pronounced against him, if he perseveres in his declaration of ignorance as to all the circumstances of that event.

It is evident, that in this proceeding, the Portuguese authorities have another object in view besides the mere obtaining this desired information, inasmuch as if they can succeed in making M. Sauvinet implicate himself in this transaction, they thereby acquire a justification of their severity towards him, which at present is without an excuse. It may, possibly, be with the same view, that the police has, during the last days, redoubled its exertions to obtain a clue to this affair, and has arrested, and conveyed to St. Julian, several other individuals, in the hope, among the number, of at last laying their hands upon some one connected with it. I am assured that, in the course of the week, no less than fourteen individuals have been arrested; and amongst others, who have been thus deprived of their liberty, are a Captain and a Lieutenant of the 4th infantry regiment, who were taken up on the 6th instant, whilst on duty, and conveyed to that fortress. The Commission, has also resumed its sittings since the holidays, and various are the reports which prevail, as to the number of persons who have been examined by them, previous to undergoing a regular trial, many carrying the number as high as two hundred, of those whom they have committed for that purpose. When it is remembered that the decree by which this tribunal was constituted, declared

that it was appointed for the trial of persons, taken in the actual commission of some overt act against the Government; it must be admitted, that they give an extraordinary latitude to these words, and, considering the spirit in which they have hitherto acted, and the facility of obtaining such evidence, as is admitted in the criminal courts of this country, the state of alarm generally prevailing here, will not appear surprising, as in fact no man can consider himself secure for an instant, when only one he has chanced to offend may denounce him, and he is exposed to several days confinement in a loathsome dungeon, before he has an opportunity of proving his innocence, with the certainty of remaining, even after this, an object of suspicion to the police.

The *Cardoza e Maya*, which is detained here at present, by the bad weather that prevails, will sail as soon as possible, with, it is said, four hundred and fifty prisoners, for India and the coast of Africa. It remains to be seen whether an attempt will be made to send MM. Bonhomme and Sauvinet by her, as was originally intended, or whether the presence of the French ships of war may not produce a change in their destination.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 12.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received April 27.)

My Lord,

Lisbon, 11th April, 1831.

I HAVE the honour to transmit to your Lordship herewith the copy and translation of a note which M. Cassas, the French Consul-General in this city, received yesterday from the Viscount de Santarem, by which your Lordship will perceive that all further communication between the French and Portuguese Governments remains for the present suspended. I have also the honour to transmit to your Lordship copies of a letter which M. Cassas has addressed to me upon this occasion, and of the answer which I felt it incumbent on me to send to that gentleman.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 12.—(Translation.)

VISCOUNT DE SANTAREM presents his compliments to M. Cassas, and informs him that his note of the 28th of March last, involving questions of a diplomatic nature, and he not being invested with any character recognised by the law of nations to enter into such communications, which are altogether alien from the consular functions, the Government of His Most Faithful Majesty regret extremely that they find themselves in the utter impossibility of replying to them.

Viscount de Santarem avails himself, &c.

M. Cassas,
&c. &c. &c.

(Without Signature.)

Inclosure 2 in No. 12.

M. Cassas to R. B. Hoppner, Esq.

Monsieur et cher Collègue,

Lisbonne, le 11 Avril, 1831.

LA réponse du Victe. de Santarem, que je vous ai communiquée hier, me mettant dans le cas de quitter Lisbonne aussi promptement que possible, je m'empresse de vous renouveler la demande que j'ai déjà eu l'honneur de vous faire verbalement, de vouloir bien prendre officieusement sous votre protection, les Français que leurs affaires forceront de rester en Portugal après mon départ.

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L'union intime qui regne entre les Cabinets Anglais et Français, leur concours probable pour obtenir du Gouvernement Portugais la réparation de nombreux griefs, et les sentimens personnels dont vous êtes animé, me sont un sûr garant des efforts que vous voudrez bien faire pour donner toute l'efficacité possible à votre intervention en faveur de mes compatriotes, et en me rendant dès à présent auprès de vous l'interprète de la reconnaissance du Gouvernement Français, je me félicite particulièrement de pouvoir vous offrir l'expression des sentimens de haute estime et de sincère affection avec lesquels j'ai l'honneur d'être, &c.

A Monsieur Hoppner,
&c. &c. &c.

(Signé) L. CASSAS.

(Translation.)

Sir and dear Colleague,

Lisbon, 11th April, 1831.

THE answer of Viscount de Santarem, which I communicated to you yesterday, rendering it necessary for me to quit Lisbon as quickly as possible, I hasten to renew to you the request, which I have had the honour verbally to make to you, that you will be pleased officially to take under your protection the French who are compelled by their affairs to remain in Portugal after my departure. The intimate union existing between the English and French Cabinets, their probable concurrence to obtain reparation for many injuries from the Portuguese Government, and the personal sentiments which animate you, are a sure guarantee to me of the efforts that you will be pleased to make to give every possible efficacy to your interference in favour of my countrymen; and while, even at present, I take upon myself to be the interpreter of the gratitude of the French Government towards you, I feel particular pleasure in offering to you, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) L. CASSAS.

Enclosure 3 in No. 12.

R. B. Hoppner, Esq. to M. Cassas.

Monsieur le Consul,

Lisbonne, le 11 Avril, 1831.

JE viens de recevoir la lettre que vous m'avez adressée, pour m'annoncer votre prochain départ de Lisbonne, et me prier de prendre sous ma protection les Nationaux Français, qui, par suite de leurs affaires, ne seront pas dans le cas de vous accompagner.

Sans un ordre exprès de mon Gouvernement, à qui j'ai déjà communiqué la demande verbale que vous m'avez faite au même sujet, je crains que mon intervention ne leur sera que de très peu de profit, et pourrait même m'attirer de la part du Gouvernement Portugais l'observation offensante, que je me mêlais d'affaires qui ne me regardent pas; cependant, vous pouvez être sûr que je me prêterai volontiers au service de vos compatriotes dans les cas où je croirai pouvoir le faire avantageusement pour eux; et que s'ils se trouvent exposés à des vexations provenant de mesures prises contre eux par des Agens Portugais, après le départ de la Corvette Française, et pendant mon séjour ici, je prendrai sur moi de leur offrir un asile aboard les bâtimens de Sa Majesté Britannique, qui pourront se trouver alors dans le Tage, jusqu'à ce que je reçoive les instructions de mon Gouvernement à cet égard.

Je vous prie, mon cher Monsieur, d'être, &c.

A Monsieur Cassas,

(Signé)

R. B. HOPPNER.

Consul-Général de France à Lisbonne.

(Translation.)

Sir,

Lisbon, 11th April, 1831.

I HAVE just received the letter which you addressed to me, announcing your approaching departure from Lisbon, and requesting me to take under my protection the Natives of France, who, by reason of their affairs, may not be enabled to accompany you.

Without an order from my Government, to whom I have already communicated the verbal request that you made to me on the said subject, I fear that my interference would serve them but little, and might even draw on me from the Portuguese Government the offensive observation, that I meddled with business which does not concern me; nevertheless, you may be sure that I will willingly assist your countrymen, in cases where I think I can do so advantageously for them; and, should they be exposed to vexations, arising from measures adopted against them by the Portuguese Agents, after the departure of the French Corvette, and during my stay here, I will undertake to offer them an asylum on board the vessels of His Britannic Majesty which may then be in the Tagus, until I receive the instructions of my Government on that subject.

M. Cassas.

I entreat you, Sir, &c.

(Signed)

R. B. HOPPNER.

No. 13.

R. B. Hoppner, Esq. to Sir George Shee.—(Received April 27.)

(Extract.)

Lisbon, 16th April, 1831.

WHILE the French residents here are making active preparations for their departure, the Portuguese Government are, on their part, busily taking measures to secure themselves against any hostile attack that may ensue from their deliberate insult of so powerful an enemy. With this view the fortifications at Peniche and on the coast of Algarve, have been strengthened; and it is said to be their intention to send to the most exposed parts of the coast, all the regular troops that are in garrison in the capital, supplying their place with the police corps, and the royalist volunteers.

The *Cardozo e Maya*, has not yet sailed, and it is now said that her destination has been altered to India alone, and that she will only touch on the coast of Africa, on her return. In this case neither Bonhomme nor Sauvinet will embark on board of her, if the Portuguese Government still persevere in their threat of sending them to their colonies, notwithstanding the demand made by the French Government for their liberation.

I am, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 14.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received May 3.)

My Lord,

Lisbon, 23d April, 1831.

I HAVE the honour to inform your Lordship that M. Cassas, the French Consul-General, embarked on Monday last, the 18th instant, on board the French brig of war, *Endimion*, and left this port on the following day, accompanied by a hired French vessel, which was chartered for the purpose, having on board between forty and fifty of his country-people, who availed themselves of the opportunity thus offered to them of returning to France. Previous to his departure, M. Cassas transmitted a note to the Viscount de Santarem, setting forth the various subjects of complaint urged by the French Government against that of Portugal, and holding the latter responsible for the safety, and lives and property of the French who continue in this country.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

R. B. Hoppner, Esq. to Sir George Shee.—(Received 3d May.)

Sir, *Lisbon, 23rd April, 1831.*

WHETHER owing to the excitement occasioned by the departure of the French or to some other cause several arrests have occurred here in the course of this week: as many as eighteen persons having been taken up on Thursday and sent to St. Julian's, where also a considerable number have been conveyed from the other prisons in Lisbon. M. M. Sauvinet and Bonhomme have likewise been latterly treated with extreme severity. M. Bonhomme having been flogged again in the prison although this punishment is not in the sentence passed against him.

This wanton cruelty of the Portuguese Government is the more extraordinary, as they certainly are not at their ease with regard to the position in which they have placed themselves with France. But so blinded is the ultra party in its hatred of that nation, that they appear to imagine that all other powers must participate in this feeling and support them in a quarrel wherein all the wrong is evidently on their side: considering the weakness of this country and the exhausted state of their finances, it is really extraordinary to hear with what confidence this party talk of resisting any hostile attack on the part of France, and the tone of exultation with which they speak of the departure of the French Consul and his countrymen, although acknowledging that it will most probably lead to hostilities between the two countries.

Nothing of any moment has occurred here during the last week, except M. Cassas's departure, and I regret that I cannot report any improvement in the condition of this unfortunate people.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) **R. B. HOPPNER.**

P. S. General Claudino, a distinguished officer at the time of the Oporto expedition, has been sentenced to five years banishment to Angola.

R. B. H.

R. B. Hoppner, Esq. to Sir G. Shee.—(Received May 14.)

(Extract.)

Lisbon, 30th April, 1831.

M. SAUVINET, as I learn from his son, continues to be treated with extreme severity at St. Julian's. He is constantly persecuted with questions, tending to induce him to implicate M. ——— in the affair of 8th February, and to declare that he carried him money, which the latter accepted as the price of treachery to Don Miguel.

As the milder means they first adopted, in the hopes of prevailing upon him to impeach others, have failed, more vigorous measures are now resorted to, and the sufferings of this unfortunate old man are very severe; his food is carried to him in a bowl by a galley slave, and thrust before him on the ground, as if he were a dog; he is allowed neither knife nor fork to eat it; and although on account of his feeble health, he finds it exceeding painful to stoop to the ground to reach it, his request to be allowed a table has been rejected. In common with all the other prisoners who possess any pecuniary means, he is compelled to contribute an equal sum to that of his own daily expense, for the maintenance of others of his poorer companions in misfortune, four being the number, which he is thus obliged to support at his charge; nevertheless, he has not been allowed the assistance of any one of the individuals whom he thus maintains, being left in solitary confinement. The jailor, Telles Jordao, has expressed a willingness to alleviate his sufferings, but declares that he

dare not do so, without an order, which is not to be obtained. M. Sauvinet further informed me, that although the other prisoners are treated with great cruelty, and insulted and ill used by the Governor and his soldiery, the treatment experienced by his father is more particularly severe than that of the other prisoners; and must at all events, be felt the more, from the great age and feeble health of the wretched old man.

The report of M. Bonhomme's shipment on board the last transport for India was incorrect, he is still at St. Julian's, where he is beat and ill treated like the other prisoners, and where they have endeavoured to get up a new charge against him.

I have the honour to be, &c.

Sir George Shee, Bart.

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 17.

R. B. Hoppner, Esq. to Sir George Shee.—(Received May 23.)

(Extract)

Lisbon, 14th May, 1831.

I LEARN from M. Sauvinet, that his father continues to be treated with extreme rigour at St. Julian's, notwithstanding a promise made by D. Miguel to his daughter, that he should be set at liberty, and that his health suffers so much from the effects of his confinement, that he has now no longer any hopes of regaining his liberty.

I have, &c.

Sir George Shee, Bart.,

(Signed)

R. B. HOPPNER.

&c. &c. &c.

No. 18.

Viscount Granville to Viscount Palmerston.—(Received May 23.)

(Extract)

Paris, 20th May, 1831.

INTELLIGENCE has been received, of the arrival of one French frigate only in the Tagus. The commander of the French force, to whom is entrusted the negotiation with the Government of Don Miguel, had not arrived when the last accounts left Lisbon.

An answer to the French demand for reparation and satisfaction is required in forty-eight hours. If it be not conceded at the expiration of that time, the French squadron will immediately begin capturing Portuguese ships.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

GRANVILLE.

&c. &c. &c.

No. 19.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received June 1.)

My Lord,

Lisbon, 21st May, 1831.

I HAVE the honour to inform your Lordship, that on Sunday last, the 15th instant, a French squadron, consisting of two large sixty gun frigates, a corvette and a brig, under the command of M. Rebaudy, appeared off the Tagus, and in the course of the following afternoon, the French brig of war *Endymion* entered this port, bringing a letter from Count Sebastiani to M. de Santarem, to which it was understood that an answer was required to be given in forty-eight hours. On Tuesday morning *l'Eglé*, the French corvette which has been lying here since M. Cassa's departure, went to sea to join the squadron. Don Miguel being still at Zamora, an express was immediately forwarded to him with M. Sebastiani's letter; but it does not appear that he

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was joined upon this occasion, by any of his Ministers, Count Basto being the only one of them with whom he has been in personal communication since his departure for the country.

Although the instructions given to the commander of the *Endymion* directed him to proceed immediately, and rejoin the squadron, at the expiration of the allotted time, it was well known that it would be out of his power to comply punctually with them, as the tide would not permit him to quit the river until the following morning; the appointed time, in fact passed without any answer reaching him; and it was not until some hours after that a note was conveyed to M. Monay, the commander of the brig, from M. de Santarem, requesting him to prolong his stay for forty-eight hours more; to which he replied that, his orders being absolute, he must proceed to sea with the first of the tide, on the following morning. Before six o'clock the next morning, another note was delivered to him from the same quarter, addressed to the commander of the squadron, with the same view it appears of obtaining a further delay: M. Monay was, however, not able to proceed to sea, the wind blowing right into the river, with a very heavy swell on the bar, and was detained here, until to-day, at noon.

In the course of yesterday, I waited upon M. de Santarem, and having enquired of his Excellency, whether he had anything for me to communicate to my Government, he replied that he wished to have some conversation with me, respecting the pending affairs with France. He then entered upon a justification of the conduct of the Portuguese Government, with respect to M. Cassas, premising that he considered my situation here, as totally different from that of the French Consul. He said that M. Cassas had sought to enter into negociations with them, of a nature, which, by the law of nations, they were not bound to treat of, except with an accredited agent; upon my objecting the impossibility of this, under existing circumstances, he still appeared to think that France might have claimed the intervention of some other power, though he assented to my remark, that Spain was the only nation which had such an accredited agent here, as he required, and that there was very little likelihood, in the present state of the relations between the two countries, that France would have appealed to Spain on such an occasion, and for such a purpose as he alluded to.

M. de Santarem seemed to lay great stress upon the fact of there being no existing Treaty between Portugal and France to regulate the relations between the two countries. In this respect their position with regard to England was totally different, and, should the French squadron, now off the Tagus, proceed to hostilities in consequence of the reply made to them, he confidently looked forward to her protection. I replied, that, with regard to M. Cassas, His Excellency could not deny that this gentleman was the agent of the French Government, in which capacity he had been furnished with a document, signed by Don Miguel himself, authorizing him to act provisionally as Consul General: that as such the Portuguese Government had treated with him for some time upon the very questions at issue, until all at once they thought proper to turn round upon him, and say they would have no farther dealings with him. At this time they were fully aware that the claims he had advanced were in pursuance of instructions emanating from his Government, and consequently their refusal to answer him would not fail to be considered by the French Ministry as a direct and deliberate insult. I did not pretend to know who directed their councils; but it appeared to me very like insanity to seek a quarrel with a Power so much their superior, as France; the quarrel, too, being of their own seeking, I was at a loss to comprehend how they could expect the English Government to embroil themselves in it; nor could I say whether they would meet with the support and protection they expected.

M. de Santarem, again alluding to the Treaties with Great Britain, informed me that M. d'Assaca had been instructed to lay the whole of the pending affair before your Lordship, and I answered, that, if such was the case, he would probably know much better than I did what were the sentiments of His

Majesty's Government upon it. What I could say to him on this subject must be of very little consequence, as it could only be received as my private opinion, and I was the more loath to offer any upon it, as I neither knew in what consisted the French claims, or the answer they intended to give to them. M. de Santarem hereupon told me that the claims, with a few trifling exceptions, were the same as those advanced by M. de Cassas, and the answer they had given to the Commander of the squadron, stated that they had referred the whole case for the mediation of the English Government, requesting him to suspend his operations until he should receive further instructions ; but, I said, if this answer should not be deemed satisfactory, and the French proceed to hostilities, what will you do then ? M. de Santarem could not believe, he replied, that this would occur, since the Portuguese Government showed no unwillingness to arrange their dispute, but, on the contrary, referred it to the arbitration of Great Britain ; and, if the French Commander acted hostilely towards them, he would render himself responsible to England for doing so. I told M. de Santarem, that, highly presumptuous as it must be in me to offer an opinion as to the view the English Government would take of this question, upon which their decision must depend, I could not help thinking there was a possibility of their declining to interfere in it at all, upon the principle, that, as they would not have permitted the French to prevent their deciding their own quarrel in any way they might think proper, so it appeared to me unlikely that they should meddle in one that lay entirely between the Portuguese and the French Governments, and which the former had brought upon themselves : that the whole question might, in the first instance, have been most easily avoided, and subsequently adjusted without proceeding the lengths they had gone. As for any difference in the position of England and France, with regard to Portugal, arising from Treaties existing between us, I could not perceive how this in any way applied to the present dispute ; for that they had kept up the same kind of commercial intercourse with France as at present existed with England, which was in fact the only intercourse now subsisting with Portugal, and, if they wantonly quarrelled with France, it appeared to me that no Treaty could oblige us to take a share in the dispute, or expose ourselves to the consequences of hostilities which they had voluntarily provoked. I begged him also to reflect, that, although the Portuguese Government might be desirous of seeking the mediation of England on the present occasion, it by no means followed that that of France would be equally prone to admit it. Still, M. de Santarem insisted that such was the nature of the engagements into which Great Britain had entered with Portugal, that she must join in her quarrel ; and though I urged my belief that a different decision might prevail in England, I was again obliged to repeat, that I would neither give him hopes, nor venture to dissuade him from entertaining them, as I had no clue whatever to the opinion of His Majesty's Government upon the question. For my own part, I said, it appears to me that the wisest thing you can do, will be, to adjust the dispute at once : the French Commander's instructions are probably of a peremptory nature, enjoinning him to act according to circumstances, and it is very unlikely that he will consent to keep the sea for three weeks or more until any fresh instructions should reach him. What, I repeat, will you then do if he commences hostilities ? M. de Santarem now expressed his expectations that the English squadron in the Tagus would protect them in such an emergency, repeating, that the French commander must take the consequences of any aggression. I told him that, as to any consequences, this appeared to me a most dangerous experiment ; that if hostilities should actually commence, they could not foresee where they would terminate, or what would be their result ; and with regard to the British squadron, Captain Markland being, as well as myself, without instructions, contemplating any movement on the part of the French, all that he could or probably would do, would be to prevent the blockade of the Tagus as far as regarded the British flag ; and that, until he should receive some positive orders to that effect, I was confident he would not interfere between them and the French, or take any steps that might draw his country

into their quarrel. M. de Santarem requested me to report to your Lordship what had passed between us upon this occasion, which I promised to do, adding, that as the packet was on the eve of sailing, and, indeed, in the present state of the weather, no vessel could get to sea, there would be no advantage in attempting to send off the brig of war now lying here, for instructions, which I would otherwise have requested Captain Markland to do; besides, I conceived it would be far better to keep the *Nautilus* here for the present, to give your Lordship the earliest information of any hostile movement of the French squadron, should such be the result of his answer to their commander. M. de Santarem concurring with me in this, I promised to give him notice, should the *Nautilus* be despatched to England, that he might have an opportunity of writing by that vessel.

Nothing certainly can be more extraordinary than the infatuation of the Portuguese Government, with regard to this question; nothing more characteristic of the temporising system which is their rule of action. The courier to Don Miguel was despatched to him at Zamora, on Monday evening, as soon as M. de Santarem was made acquainted with the nature of the French demands, nor did he return until after the expiration of the term fixed for the receipt of the answer. This it was that obliged the Secretary of State to request of the commander of the brig to prolong his stay, which of course he declined doing. The decision, when it does arrive, appears to have been either opposed to the French demands, or that the measure already adopted, of appealing to the English Government, should be persevered in. Regardless, therefore, of what may be the consequences, they seek, by an evasive answer, to postpone the day of retribution; they look to England for protection, to some unforeseen chance in their favour. They see no danger in delay, because delay has hitherto been always favourable to them; and were they even certain that the first step of the French squadron would be to proceed to Terceira, and bring the troops from thence to invade them, they have Spain to support them by land, and the English squadron in the Tagus to prevent any hostile attack from the sea. England and Spain are both to engage in a war which Don Miguel's Government has most gratuitously provoked, of the justice or necessity of which they may not be persuaded, which, whether successful or not, can only be productive of loss to them.

I have the honour to be, &c.

Viscount Palmerston,

&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 20.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received June 4th.)
My Lord, Lisbon, 24th May, 1831.

CONCEIVING it of importance that His Majesty's Government should have as early information as possible, of the intentions of the French Squadron off the Tagus, and not being able to learn any thing decisive here, the Viscount de Santarem having even, in answer to my enquiries, assured me that he was ignorant of their purpose, I determined to take advantage of the presence of His Majesty's Steam vessel *Carron*, and to go myself to the French Squadron, to ascertain, if possible, what proceedings they intended to adopt.

I have now the honour to inform your Lordship, that, not considering the Viscount de Santarem's answer, which only reached M. Rabaudy in the afternoon of the 22nd, satisfactory, the ships under his command commenced hostilities yesterday evening, the 23d instant, by capturing some small Portuguese coasting vessels, which were navigating at the mouth of the Tagus.

The *Melpomene*, M. Rabaudy's ship not being in sight, this was the only information I was able to glean from the commander of the *Cyrene*, who either did not himself know, or appeared unwilling to communicate their plans to me. I understood him to say, that their hostilities would be confined to the Portuguese flag.

It has been supposed by many, that the departure of His Majesty's ships for England, affording the most convincing proof to this Government that they did not remain here for their protection, as they were themselves willing to believe, and to impress upon the people of this country, would induce the Portuguese Government, even now, to attempt to avert the consequences of their imprudent conduct towards France, by complying with the demands of the French Minister: I am inclined, however, to believe, that this will not be the case, and that they will persevere in the answers they have already given. A third frigate was expected immediately to join the Squadron, which at present consists of two frigates, two corvettes, and two brigs of war.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPNER.

No. 21.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Rec. 9th June, 1831.)

My Lord,

Lisbon, 28th May, 1831.

ALTHOUGH hostilities commenced on the part of the French squadron on the 23d instant, as I had the honour to inform your Lordship in my despatch of the 24th instant, no notice of this event, either public or private, was given by the Portuguese Government to the Merchants, whose property is principally likely to suffer by it, until the evening of the 26th, the Secretary of the Marine Department in reply to the question which was put to him by Sñr João Antonio d'Almeida, one of the principal merchants here, whether, in consequence of the reported blockade of the Tagus it would be safe to send any vessel to sea, then stated, that in a few days every thing would be settled to the satisfaction of the commercial interests; thus even evading a direct and explicit answer; and even yesterday the Viscount de Santarem affected to have no certain knowledge of the capture of any of their vessels, although they have been taken within sight of the coast. So extraordinary a line of conduct naturally excites the greatest surprise here, and it is by no means to the advantage of the Government, being considered as an acknowledgment that they have brought the country into a difficulty which they have neither the strength to face, nor the courage to avow. In the mean time the commerce of Portugal receives a severe blow from the blockade of her ports, as must ultimately, the revenue, which is chiefly derived from this source, and the merchants complain of the hardships to which they are individually exposed, while the instigators of the quarrel remain untouched and uninjured.

The Government has viewed, with dismay, the departure of His Majesty's ships from the river, having, as I stated in my preceding despatch to your Lordship, persuaded themselves and their adherents, that they remained here for their protection. M. de Santarem requested me yesterday, to express to your Lordship, the regret with which he and his colleagues had witnessed this event, and their hopes that His Majesty's Government would permit the speedy return of some other vessels here, which they deemed indispensably necessary in the present state of affairs; although promising to comply with his wishes in this respect, it was of course not in my power to hold out any hopes to him that they would be complied with, being ignorant of the views of His Majesty's Government, with regard to the question at issue between Portugal and France.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPNER.

No. 22.

Viscount d'Asseca to Viscount Palmerston.—(Received June 1.)

M. Le Vicomte,

Londres, ce 1 Juin, 1831.

JE m'empresse de porter à la connaissance de votre Excellence les ordres que j'ai reçus de mon Gouvernement, pour solliciter les bons offices de celui

[4.]

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de Sa Majesté Britannique auprès du Gouvernement Français, afin d'éviter les actes d'hostilités dont ce Gouvernement paraît menacer le Portugal. La conduite de M. Cassas, et les armemens qui se font dans les ports de France, ainsi que le langage peu mesuré des Ministres Français, ne peuvent que donner des appréhensions au Gouvernement de Sa Majesté Très Fidèle.

Votre Excellence est bien informée des causes fâcheuses qui ont donné lieu aux différends entre les deux pays. Mon Gouvernement n'a pas été conduit dans toute cette affaire par inimitié contre le Gouvernement Français ; il n'a pas eu d'autre objet que d'exercer les droits qui appartiennent à tout Etat indépendant d'administrer les lois du pays avec justice et impartialité. Mon Gouvernement ne s'est jamais refusé d'entrer en ample et amicale explication avec le Gouvernement Français sur l'objet de ses griefs, et de lui en donner les explications compatibles avec l'honneur et l'indépendance du Portugal.

Privé de toute communication directe avec la Cour de France, rien n'est plus naturel à mon Gouvernement que de chercher la médiation de son plus ancien et intime allié. Je crois inutile de répéter à votre Excellence la nature de l'alliance qui existe depuis si long temps entre les deux Royaumes, et les Traités par lesquels cette alliance est liante et obligatoire. Votre Excellence connaît très bien qu'en vertu de ces Traités, les sujets de Sa Majesté Britannique jouissent des privilèges que les sujets d'aucune autre nation n'ont pas.

Pendant les derniers trois ans le Gouvernement de Sa Majesté Britannique a constamment réclamé les stipulations qui garantissent ces privilèges, et votre Excellence ne pourra méconnoître que ces obligations ont été accomplies par mon Gouvernement dans des circonstances bien difficiles et embarrassantes.

L'honneur et la loyauté avec laquelle les deux Gouvernemens ont rempli constamment leurs engagements réciproques, donnent au Gouvernement de Sa Majesté Très Fidèle tout lieu d'espérer qu'il trouvera dans son allié cette coopération nécessaire pour éviter un événement dont les suites fâcheuses ne peuvent échapper à la prévoyance de votre Excellence.

Quoique les dispositions du Gouvernement Portugais soient d'employer tous les moyens compatibles avec son honneur et ses intérêts pour éviter les hostilités de la part de la France, il est possible que l'attitude que le Gouvernement Français a cru devoir prendre puisse rendre infructueux tous ses soins, et que le Gouvernement puisse entreprendre une agression ouverte contre l'indépendance du Portugal.

Bien que le Portugal pourroit avoir le droit de réclamer de son Allié des secours effectifs contre une violence aussi outrageante, cependant, dans l'état actuel de l'Europe, et vûs les résultats funestes qui peuvent s'en suivre, il est à croire que le Gouvernement de Sa Majesté Britannique trouvera convenable, tandis qu'il est encore temps, concourir à des mesures propres à empêcher de si grandes calamités.

Je répète encore une fois, Monsieur Le Vicomte, que l'honneur et la dignité du Gouvernement de Sa Majesté Britannique doivent pleinement rassurer le Gouvernement de Sa Majesté Très Fidèle sur ce que toutes les démarches qu'il lui conseillera de faire, ne pourront jamais compromettre sa dignité et son indépendance, et c'est surtout sur la médiation bienveillante et éclairée de l'Angleterre qu'on peut espérer de voir écarter les malheurs dont le Gouvernement Français veut menacer le Portugal.

Vicomte Palmerston,

(Signé)

J'ai l'honneur, &c.
VICOMTE D'ASSECA.

&c. &c. &c.

(Translation.)

My Lord,

London, 1st June, 1831.

I HASTEN to bring to the knowledge of your Excellency the orders which I have received from my Government, to solicit the good offices of the Government of His Britannic Majesty with that of France, with a view to prevent the acts of hostility with which that Government seems to menace Portugal. The conduct of M. Cassas, and the armaments which are preparing in the ports of France, as well as the unmeasured language of the French Ministers cannot but give rise to apprehensions in the Government of His Most Faithful Majesty.

Your Excellency is well acquainted with the distressing causes which have given rise to the differences between the two countries. My Government has not been influenced in this whole affair by enmity towards the French Government, it had no other object than to exercise the right which belongs to every independent State, to administer the laws of the Country with justice and impartiality. My Government has never refused to enter into full and friendly explanation with the French Government, on the subject of its grievances, and to give to it such explanations as are compatible with the honour and independence of Portugal.

Deprived of all direct communication with the Court of France, nothing is more natural for my Government than to seek the mediation of its most ancient and intimate Ally. I conceive it to be unnecessary to recall to your Excellency the nature of the Alliance which exists for so long a period between the two Kingdoms and the Treaties which render that Alliance binding and obligatory your Excellency knows very well that in virtue of those Treaties, the subjects of His Britannic Majesty enjoy privileges which the subjects of no other nation possess.

During the last three years the Government of His Britannic Majesty has constantly claimed the execution of the stipulations which guarantee those privileges, and your Excellency cannot deny that these obligations have been executed by my Government under very difficult and embarrassing circumstances.

The honour and integrity with which the two Governments have constantly fulfilled their mutual engagements afford to the Government of His Most Faithful Majesty every reason to hope that it will find in its ally the co-operation which is necessary to avoid an event of which the disastrous consequences cannot escape the foresight of your Excellency. Although it is the disposition of the Portuguese Government to employ every means compatible with its honour and its interests to avert hostilities on the part of France, it is possible that the attitude which the French Government has thought it necessary to assume may render these precautions ineffectual, and that that Government may attempt some open aggression against the independence of Portugal.

Although Portugal might have the right to demand effectual succours from its Ally against violence so outrageous, nevertheless in the actual state of Europe, and with reference to the fatal consequences that might ensue, it is to be supposed that the Government of His Britannic Majesty will feel it right, while there is yet time, to concur in the adoption of such measures as may prevent calamities so serious. I again repeat Viscount, that the honour and dignity of the Government of His Britannic Majesty ought fully to satisfy the Government of His Most Faithful Majesty that those steps which it may advise the latter to take shall never compromise either its dignity or its independence, and it is above all on the friendly and enlightened mediation of England that the Portuguese Government rely for averting the evils with which the French Government menaces Portugal

I have the honour, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

VISCOUNT D'ASSECA.

No. 28.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received June 14,)

(Extract.)

Lisbon, 4th June, 1831.

ALTHOUGH the French squadron commenced their operations against this country on the 22nd ultimo, and in the course of the ensuing week, had captured off this port, as many as eleven vessels, of different sizes, a circumstance which it was impossible to keep concealed from the public, it was not until the 31st, that this Government took any official notice of an event, so deeply involving the commercial interests of the country: on that day an Edict of which I have herewith the honour to transmit to your Lordship a printed copy, with an accompanying translation, was affixed upon 'Change,

and at the door of the India House, and as may naturally be supposed, excited the most lively interest, on the part of the mercantile body. On the statement contained in this paper, it will be only necessary for me to observe, that the Portuguese Government seem desirous, by this document, to imply that the claims originally urged by M. Cassas, were different from those now put forth by the commander of the French squadron, although, in fact, the difference between them, if any, is most trifling, and that they only mention the capture of one vessel, while at the same time already stated, a much larger number were known to have fallen into their hands, the crews of several of which had been landed at Belem, before the publication in question. This latter variation from the plain fact, it is extremely difficult to account for, unless it were adopted with the wish to diminish the alarm which the circumstance of the blockade of the coast, could not fail to produce throughout the country; but I cannot help considering the document as a failure altogether, the universal sentiment appearing to be, that if the French have made no other claims than what are here set forth, they might easily, and ought to have been complied with.

Simultaneously with the publication of the above Edict, an order was issued to the arsenal, to prepare with all possible expedition, every vessel of war in the river that could be got ready for sea, and great activity has since prevailed in fitting out all the disposable vessels. Of these, the *Diana*, 54, and *Perola*, 44, frigates; the *Don Pedro*, 18 gun brig; *Don Sebastian* of 10, and *Memoria* brigantine, of 6 guns, are now ready, and have their sea pilots appointed to them. The corvettes *Don Joao 1°* of 26; *Lealdade* of 26; 22d, *Fevereiro*, 10 gun brig, and *Gloria* ditto, will be ready in a few days. The *Don Joao 6th* of 74, requiring heavy repairs, will not be ready, in less than a month, and the *Amazona* 52, in about twenty days.

The French force by the last accounts, had captured thirteen vessels off this port, the crews of most of which have been immediately landed; they all report the extreme moderation and attention with which they have been treated by the captors, who appear anxious by this means, to ensure similar favour to such of their countrymen as remain in Lisbon.

I have the honour to inform your lordship, that orders were yesterday issued for calling out the militia, which are to continue in active service, and that a considerable movement has taken place among the regular corps of the army, troops and artillery, being sent to different points along the coast, as far north as Figuera. The commanders of every fortified post have received instructions on no account, to permit the French to land to obtain water or provisions, and, whenever they come within gun-shot, to fire upon them. These measures indicate a determination on the part of the Portuguese Government not to yield to the French claims, a decision in which they are encouraged by the intelligence that has reached them, of the Toulon and Brest squadrons being countermanded, and by their conviction, that they will confine their hostilities to the making of reprisals upon the Portuguese commerce. Such too, is the feeling among many of the merchants of this country, who complain bitterly of the losses and inconvenience to which they are subjected by such a proceeding, on the part of the French Government, instead of sending an adequate force to ensure the reparation of the insult they have received, and to punish the real authors of it.

I have the hononour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPNER.

P. S. Since writing the above, I have been confidently informed that no orders have yet been issued to prepare biscuit for the squadron, whence, and from the statements of the officers on board the ships themselves, it appears that they will only take up a station between Belem and Cascaes, for the defence of the coast, in the immediate vicinity of the capital. The money which was in the chest of the Junta dos Juros, that is to say, the sum vested for the payment of the interest of the loans contracted for by this Government, has been sent into the arsenal to defray the extra expenses.

(Signed)

R. B. H.

Enclosure in No. 23.

The following has been notified to the Board of Trade, &c.

(Translation.)

Most Illustrious and Excellent Sir,

M. CASSAS, the French Consular Agent, lately resident at this court, having addressed to His Majesty's Government, claims which, at the same time that they were alien to his functions, were in complete contradiction to the most open and repeated declarations of his Government, of non-interference in the internal affairs of other countries, and which neither the law of nations nor general custom ever authorized such functionaries to urge; it was explained to him, that as he was not invested with that character, established by the laws of nations, to make communications of such a nature, exceeding the consular powers, His Majesty found it therefore impossible to reply to his demands. Notwithstanding this answer, founded as it was upon principles never hitherto controverted in any country, the Consul decided upon returning to France, having previously convened the French subjects residing in the kingdom, for the purpose of inviting them to accompany them. To this proposal few acceded, the greater part remaining tranquilly under the shelter of the laws and authorities, whose protection was never withheld from those foreigners who peaceably seek the means of their subsistence.

Two French frigates, two corvettes, and one brig of war, having appeared upon the coast of this Kingdom, the commander of that squadron addressed to His Majesty's Government an official communication, containing the following demands, viz :

1. The liberation of Edmond Potentin Bonhomme, and the abrogation of the sentence pronounced upon him; the application of the penalties of that sentence being considered as an outrage to France.

2. The dismissal of the judges who pronounced the sentence; and the official publication of the act by which the sentence is annulled.

3. A compensation of 20,000 francs to Bonhomme.

4. The liberation, in opposition to the laws of the kingdom, of Claude Sauvinet, a naturalized Portuguese, who was sentenced to 10 years transportation to Africa, by a Special Commission.

5. A compensation of 6,000 francs to each of the two Frenchmen, Gambey and Vallon, arbitrarily arrested at Oporto; and a compensation of 3,000 francs to another Frenchman, named Dupont, who was confined in prison in Lisbon, during one year; all of whom were sentenced to expulsion from Portugal, in virtue of a sentence by which no culpability was proved against them.

6. The compensation of 10,000 francs, previously claimed by M. Cassas, in favour of the engraver Dubois, for the injuries he sustained in consequence of his imprisonment.

7. A compensation of 20,000 francs for the French who have already quitted Lisbon; and for the expence of chartering the ship *Jumeaux*, and also a compensation (the amount of which to be hereafter settled) to those who, having remained in Lisbon after the departure of the Consul, may have sustained any injury.

- 8th. The strict observance in future of the French privilege of not being liable to arrest, except by an order from the Judge Conservator of those privileged nations, who have not an exclusive conservator.

From the moment that the French Consular Agent had incompetently made these demands, His Majesty's Government had immediate recourse to the Allies of the crown of Portugal, with whom there existed arrangements of conventional right and solemn Treaties, in order to treat upon this matter in a manner suitably to the dignity of these Kingdoms, this being an accommodation admitted by the law of nations in such cases. It was accordingly stated in reply to the French commander, that the Portuguese Government not having any person in Paris authorized to treat upon such a business, and M. Cassas himself not having been so authorized, by any commission communicated

to the Portuguese Government, His Majesty's Government found themselves in a situation of utter inability to come to an understanding with the French Government on any of those points, but that wishing to bring the matter to a close, they had resolved to avail themselves, for that purpose, of the mediation of the Allies of the crown of Portugal, and that under those circumstances, it would neither be consonant with motives of delicacy, nor with the nature of such a proceeding, to give the categorical answer demanded. That His Majesty's Government trusted he would communicate this answer without delay to his own Government; and that any violent proceedings on his part, in opposition to the spirit of those explanations, would be looked upon by all nations as an unprovoked act of aggression.

In spite of this communication, the French ships of war proceeded to capture the Portuguese brig *Constante* from Parà.

Under these unpleasant circumstances, the King our Lord, has been pleased to order the above to be communicated to the royal Board of Trade, &c., that it may be published for the necessary purposes; and His Majesty hopes that from the measures already adopted, and others which His Majesty may deem it expedient to employ, such occurrences will shortly cease to take place.

All of which your Excellency will please to make known to that tribunal.

God preserve you, &c.

(Signed) VISCOUNT DE SANTAREM.

The Marquess Lord Steward.

No. 24.

The Viscount d'Asseca to Viscount Palmerston.

M. le Vicomte,

Londres, ce 7 Juin, 1831.

J'AI l'honneur de transmettre à votre Excellence la copie de la communication que mon Gouvernement a reçue de la part du commandant de l'escadre Française devant le Tage, et la traduction de la réponse que mon Gouvernement lui a donnée.

En recevant l'ordre de vous donner connaissance de cette correspondance, j'ai reçu en même tems celui de vous réitérer la demande de votre médiation auprès du Gouvernement Français dans une affaire de si haute importance. Je n'aurais qu'à me rapporter sur cet objet à la lettre que j'ai eu l'honneur de vous écrire en date du 1^{er}. de ce mois; et quoique votre Excellence se soit toujours refusée de se prêter à la médiation que j'ai constamment sollicitée, j'ose espérer que la connaissance de cette dernière communication, sur laquelle j'ose appeler l'attention de votre Excellence, en montrant clairement l'esprit qui conduit le Gouvernement Français dans cette démarche, altérera la résolution que vous m'avez manifestée, de vous refuser complètement à la médiation que j'ai sollicité sur cet objet, et changera peut-être votre opinion sur le conseil que vous donniez à mon Gouvernement d'accéder à tout ce que le Gouvernement Français demandait.

L'honneur et l'indépendance du Gouvernement Portugais ont toujours été chers au Gouvernement de Sa Majesté Britannique, depuis l'existence des Traités qui lient les deux pays; et je me suppose autorisé à croire, fondé sur la loyauté du Gouvernement de Sa Majesté Britannique, que le Gouvernement Portugais ne sera pas abandonné par son ancien et intime Allié, dans le moment où le Gouvernement Français attaque ces deux principes.

Le commandant de l'escadre Française, sans égard pour la réponse de mon Gouvernement, dans laquelle il se rapportait à la médiation du Gouvernement de Sa Majesté Britannique, s'est porté à commencer les agressions, en capturant plusieurs bâtimens Portugais; et la détermination qu'il paraît avoir prise de continuer ces captures, forcera le Gouvernement Portugais à prendre quelques mesures de défense pour accomplir son devoir de protéger les intérêts de ses

sujets. J'ignore la nature de ces mesures ; mais telles qu'elles soient, elles seront toujours justifiées, n'étant que des moyens de propre défense contre une agression non-provoquée.

Il serait inutile d'observer à votre Excellence la position où se trouvera le Portugal vis-à-vis de l'Angleterre, s'il est enveloppé dans une guerre avec la France qu'il n'a pas provoquée, et dans laquelle il n'agira que pour sa défense.

C'est pour éviter ces complications, qui ne peuvent échapper à votre prévoyance, que le Gouvernement Portugais appelle à la bienveillante médiation du Gouvernement de Sa Majesté Britannique, dont l'honneur et l'extrême exactitude à exécuter ses Traités, lui font espérer que les intérêts du Portugal, qui par les Traités sont sous sa défense, seront sauvés dans cette occasion, comme ils l'ont été en plusieurs autres.

Je saisis, &c.

M. le Vicomte Palmerston,

(Signé)

VICOMTE D'ASSECA.

&c. &c. &c.

Enclosure 1 in No. 24.

A bord de la Frégate de Sa Majesté le Melpomène.

Monsieur le Vicomte,

le 19 Mai, 1831.

LE Gouvernement Portugais, en refusant de satisfaire aux justes réclamations que M. Cassas avait reçu l'ordre de lui présenter, a mis dès à présent le Gouvernement Français en droit de ne plus écouter que sa dignité offensée, et de poursuivre par tous les moyens en son pouvoir, la réparation de griefs qui intéressent à la fois l'honneur de la France et les intérêts de ses citoyens. Cependant, avant de recourir à l'emploi de semblables mesures, le Gouvernement de Sa Majesté le Roi des Français a voulu donner une nouvelle preuve de la modération qui l'anime, en me chargeant de faire auprès de Votre Excellence une dernière tentative, dans le but d'obtenir par les seules voies de la persuasion les satisfactions auxquelles il a droit. C'est pour me conformer à des intentions si loyales et si conciliantes, que j'ai l'honneur d'adresser à Votre Excellence la présente communication.

Depuis plusieurs années le Gouvernement Portugais manifeste contre la France des sentimens de malveillance et d'inimitié que rien ne peut justifier ; les témoignages en sont surtout devenus plus nombreux depuis les glorieux événemens qui ont signalé la fin de Juillet de 1830. C'est surtout contre les Français établis en Portugal, sous la foi des Traités et même du simple droit des gens, qu'éclate un injuste esprit de haine et de persécution. Arrêtés sous de frivoles prétextes, sur de vagues dénonciations, ils languissent en prison sans jugement, où ils sont condamnés sans motifs à des peines cruelles et infamantes, où enfin, si après de longues souffrances quelques uns sont déclarés innocens et recouvrent la liberté, c'est en vain qu'ils réclament les indemnités qui leur sont dues pour une détention dont l'injustice est reconnue.

Ceux des Français qui depuis huit mois se sont rendus à Lisbonne par mer, ont été détenus à leur arrivée à Belem, sous des prétextes également futiles, traités par la Police avec une inconcevable rigueur, malgré les vives réclamations du Consul de Sa Majesté, et ce genre de vexations n'a pas même été épargné à un employé du Consulat.

Des diatribes violentes contre la France et son Gouvernement, d'odieuses provocations contre les Français établis en Portugal, ont été insérées dans des pamphlets, dont l'un a paru sous la protection spéciale du chef du Gouvernement Portugais.

Les mêmes déclamations, les mêmes excitations à la haine contre des étrangers paisibles et inoffensifs, ont retenti dans la chaire évangélique, et des ecclésiastiques se sont rendus coupables d'une pareille violation de tous les principes d'équité, de toutes les convenances, sans que le Gouvernement Portugais, sourd aux justes réclamations de notre Consul, ait voulu leur imposer silence. Loin de là, ce Gouvernement lui-même a donné un témoignage direct et non équivoque de ses dispositions malveillantes contre la France, d'abord

en autorisant, malgré les pressantes réclamations de M. Cassas, l'injuste condamnation de M. Bonhomme, puis en faisant exécuter contre ce Français une ignominieuse et cruelle sentence, sans égard pour les instances et les protestations de notre Consul.

Les mêmes sentimens d'inimitié, les mêmes passions haineuses contre la France, ont dicté la mise en accusation du Sieur Sauvinet, et le jugement rendu contre lui, bien qu'il n'existe aucune preuve du délit qui lui est imputé.

Enfin, M. le Vicomte, le Gouvernement Portugais n'a pas craint d'ajouter un nouveau grief à tant d'insultes, en refusant de répondre aux demandes de réparation qui lui ont été présentées par le Consul de France à Lisbonne, refus motivé sur le prétexte frivole, et tout-à-fait inadmissible, que cet agent, n'ayant pas un caractère diplomatique, n'avoit pas qualité pour faire de semblables communications.

Dans cet état de choses le Gouvernement Français m'a donné ordre d'adresser, ou plutôt de renouveler, à Votre Excellence les demandes suivantes.

1°. La mise en liberté du Sieur Bonhomme et l'annulation (par un acte spécial de réhabilitation) de la sentence rendu, contre lui, sentence dont la partie ignominieuse a été exécutée au mépris des protestations du Consul de Sa Majesté à Lisbonne, et des notes nombreuses par lesquelles cet agent avoit déclaré qu'il la considérerait comme un outrage fait à la France dans la personne d'un de ses citoyens.

2°. La destitution des Juges qui ont prononcé la sentence, et la publication officielle de l'acte de réhabilitation qui l'aura annullée.

3°. Une indemnité de 20,000 francs en faveur du Sieur Bonhomme.

4°. La mise en liberté du Sieur Sauvinet, déclaré naturalisé Portugais en opposition avec les lois du Royaume, et condamné par la Commission extraordinaire de Lisbonne, dont Votre Excellence elle-même a formellement reconnu l'incompétence, à dix ans de déportation en Afrique, en vertu d'une sentence dont les termes même constatent qu'aucune des charges élevées contre lui n'a pu être prouvée.

5°. Une indemnité de 6,000 francs pour chacun d'eux, aux Sieur Gamby et Vallon, détenus arbitrairement à Porto, et une de 3,000 francs au Sieur Dupont, détenu à Lisbonne pendant un an, tous trois finalement expulsés de Portugal en vertu d'une sentence dont il ne résulte aucune charge réelle contre eux.

6°. L'indemnité de 10,000 francs précédemment réclamée par M. Cassas en faveur du Sieur Dubois, graveur, pour les préjudices que lui a causés une injuste détention dans les prisons de Lisbonne.

7°. Une indemnité de 20,000 francs pour les Français qui ont déjà quitté Lisbonne, et pour l'affrètement des Jumeaux, et une indemnité, dont la quotité sera fixée plus tard pour les Français restés à Lisbonne après le départ du Consul, et qui depuis son départ auraient souffert des dommages.

8°. La stricte observation à l'avenir du privilège des Français de ne pouvoir être arrêtés qu'en vertu d'un ordre du Juge Conservateur des nations privilégiées qui n'en ont pas un particulier.

Après avoir présenté, suivant mes instructions, cette énumération détaillée des griefs dont la France attend la complète réparation, je m'acquitte d'un autre devoir de ma mission, en déclarant à Votre Excellence, qu'un nouveau refus de faire droit à d'aussi justes réclamations entraineroit infailliblement pour le Gouvernement Portugais, des conséquences dont il ne devoit s'en prendre qu'à lui-même.

Je dois également ajouter ici, de la manière la plus expresse, que si dans un délai de quarante huit heures, les satisfactions dont il s'agit n'ont pas été formellement et complètement accordées, il ne me restera plus qu'à exécuter les ordres qui m'ont été donnés par mon Gouvernement.

Agréez, M. le Vicomte, &c.

(Signé)

Le Capitaine de Vaisseau, DE RABAUDY.

P. S. Le brick *l'Endymion* que je charge de porter cette dépêche, attendra dans le Tage les quarante huit heures, pour recevoir la réponse ; après ce délai il a l'ordre de me rejoindre.

(Signé) DE RABAUDY.

Enclosure 2 in No. 24.

The Viscount de Santarem to M. Cassas.

AYANT l'honneur d'accuser la réception de la communication que vous m'avez adressée en date du 15 de ce mois, et qui m'a été remise le 16, à 6 heures du soir, par un officier du brick de guerre *l'Endymion*, j'ai aussi celui de vous répondre, que le Gouvernement Portugais n'ayant pas à Paris aucun agent autorisé pour traiter en affaires d'aussi haute politique, comme celle qui fait l'objet de votre communication, et n'ayant pas même connaissance d'aucun diplôme qui autorise M. Cassas, même pour exercer ses fonctions consulaires, le Gouvernement Portugais, désirant surtout s'entendre avec le Gouvernement Français, et se concilier avec lui sur un objet si grave, et qu'il désirait terminer d'une manière qui soit compatible avec l'honneur du Portugal, et avec la juste considération qui est due à la France, s'est sur le champ adressé à ses Alliés pour obtenir ce but, notamment à l'Angleterre.

L'important objet de votre communication se trouvant donc soumis aux concerts qui ont dû s'en suivre, il serait incompatible avec les raisons de délicatesse, ou avec la nature d'une telle transaction, de vous donner la réponse catégorique que vous demandez, laquelle d'ailleurs pourrait se trouver en opposition avec les dites délibérations.

Le Gouvernement Portugais espère que vous communiquerez le plutôt possible cette réponse à votre Gouvernement, et que vous vous abstenrez en attendant de quelque autre procédé opposé à l'esprit de modération, qui ne pourrait être considéré par les autres nations autrement que comme un acte d'agression non provoqué.

Je profite de cette occasion, &c.

(Signé) LE VICOMTE DE SANTAREM.

M. d'Assoca to Viscount Palmerston.—(Translation.)

My Lord,

London, 7th June, 1831.

I HAVE the honour to transmit to your Excellency a copy of a communication which my Government has received from the commandant of the French squadron at the mouth of the Tagus, together with the translation of the answer which my Government has sent. When I received the order to make you acquainted with this correspondence, I was at the same time desired to renew the demand for your mediation with the French Government. Upon a matter of such great importance, I need only refer to the letter which I had the honour of addressing to you, dated the 1st of this month ; and although your Excellency has constantly refused to employ the mediation which I have so urgently solicited, I venture to hope that your knowledge of this last communication, to which I venture to draw your Excellency's attention, while it shows clearly the spirit which animates the French Government, in their late proceedings will alter the determination which you have hitherto manifested, to refuse the mediation that I solicited, and may perhaps change your opinion upon the advice which you have given to my Government, to accede to every thing which the French Government has demanded.

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The honour and independence of the Portuguese Government have at all times been dear to the Government of His Britannic Majesty; since the existence of those Treaties which bind the two countries to each other, and relying as I do on the loyalty of the Government of His Britannic Majesty, I feel warranted in believing that at a moment when the French Government is attacking both of these two principles, the Government of Portugal will not be abandoned by its ancient and intimate ally.

The commandant of the French squadron, paying no attention to the answer of my Government, in which it appealed to the Government of His Britannic Majesty, has proceeded to commence actual hostilities, by capturing several Portuguese vessels; and the determination which he has evinced to continue these captures, will force the Portuguese Government to adopt some measures of defence, in order to fulfil its duty of protecting the interests of its subjects. I am ignorant of the nature of these measures; but, whatever they may be, they must at all times be justifiable, as means of defence against unprovoked aggression. It is unnecessary to point out to your Excellency the position in which Portugal will be placed in reference to England should it find itself involved in a war with France, which it has not provoked, and in which it will be acting only on the defensive. It is to avoid complications which cannot escape your foresight, that the Portuguese Government appeals to the friendly mediation of the Government of His Britannic Majesty, a Government whose honour and fidelity in executing its Treaties, afford every reason to hope that the interests of Portugal, which are by Treaties placed under its defence, will be preserved on this occasion as they have been upon many others.

I avail myself, &c.

(Signed)

VISCOUNT D'ASSECA.

Viscount Palmerston,
&c. &c. &c.

M. de Rabaudy to Viscount de Santarem.—(Translation.)

*On board His Majesty's Frigate, Melpomene,
19th May, 1831.*

Viscount,

THE Portuguese Government, in refusing to satisfy the just demands which M. Cassas had been ordered to present to them, compels the French Government at the present moment to listen only to its offended dignity, and to obtain by every means in its power, the reparation of wrongs which affect alike the honour of France and the interests of its citizens. Previously, however, to its having recourse to such measures, the Government of His Majesty the King of the French, has wished to afford a new proof of the moderation by which it is animated, by charging me to make one last attempt with your Excellency, in the hope of obtaining by means of persuasion only the satisfaction which it has a right to demand. It is in conformity with intentions so honourable and conciliatory that I have the honour of addressing to your Excellency the present communication.

For many years past the Portuguese Government, has manifested towards France sentiments of enmity and ill-will which nothing can justify, and the evidences of these feelings have become more numerous since the glorious events which signalized the end of July, 1830. But it is chiefly against the French established in Portugal, upon the faith of Treaties, and in reliance upon the law of nations, that this unjust spirit of hatred and of persecution has been principally displayed. Arrested under frivolous pretexts, and upon vague accusations they either languish in prison without trial or they are condemned without reason to cruel and infamous punishments, or if after protracted sufferings some individuals have been declared innocent, and have regained their liberty, it is in vain they demand the indemnification which is due to them for a detention, of which the injustice has been acknowledged.

Those Frenchmen, who, during the last eight months have come to Lisbon by sea, have been detained at Belem upon their arrival under pretences equally futile, have been treated by the Police with a rigour quite inconceivable, and in spite of the vigorous remonstrances of His Majesty's Consul; nor has this species of persecution been spared even in the case of an individual attached to the consulate itself. Violent articles against France and its Government, and scandalous reflections upon Frenchmen established in Portugal, have been inserted in pamphlets, of which one has been published under the special protection of the Chief of the Portuguese Government. The same declamations, the same excitements to hatred against peaceable and unoffending strangers, have re-echoed from the pulpit; and clergymen have been guilty of this violation of every principle of justice and of decency without being silenced by the Portuguese Government in compliance with the just demands of our Consul. So far from this, the Government itself has afforded a clear and unequivocal proof of its hostile disposition towards France,—first, by sanctioning notwithstanding the pressing remonstrances of M. Cassas, the unjust condemnation of Mr. Bonhomme, and afterwards by causing an ignominious and cruel sentence to be executed upon this Frenchman, without regard either to the remonstrances or the protests of our Consul. The same feelings of enmity, the same hatred against France have dictated the accusation against the *Sieur Sauvinet*, and the judgment pronounced upon him, without the existence of any proof of the crime with which he was charged. Finally, Viscount, the Portuguese Government has not feared to add a new outrage to so many insults, by refusing to return any answer to the demands of reparation made to it by the French Consul at Lisbon, their refusal being grounded on the frivolous and utterly inadmissible pretext, that this agent, not being invested with the diplomatic character, was not qualified to make such communications. In this state of affairs the French Government has ordered me to address, or rather to renew, to your Excellency, the following demands:

1st. The restoration to liberty of the *Sieur Bonhomme*, and the annulling by a special act of requalification of the sentence pronounced upon him, a sentence of which the ignominious part was executed in spite of the remonstrances of the Consul of His Majesty at Lisbon, and of the many communications by which that agent declared that he considered the act as an outrage committed upon France in the person of one of its Citizens.

2nd. The dismissal of the Judges who pronounced the sentence, and an official publication of the act of requalification by which that sentence will have been annulled.

3rdly. An indemnity of 20,000 francs to the *Sieur Bonhomme*.

4thly. The liberation of the *Sieur Sauvinet*, declared to be a naturalized Portuguese in violation of the laws of the kingdom, and condemned by an Extraordinary Commission at Lisbon, of which your Excellency yourself formally admitted the incompetency, to ten years of banishment to Africa, and this in conformity with a sentence, of which the very terms demonstrate that not one of the charges brought against him had been proved.

5thly. An indemnity of 6000 francs to each of the individuals *Gamby* and *Vallon*, arbitrarily detained at Oporto, and one of 3000 francs to the *Sieur Dupont*, detained for a year at Lisbon, all three ultimately expelled from Portugal in conformity with a sentence containing no real charge whatever against them.

6thly. The indemnity of 10,000 francs already demanded by Mr. Cassas in favour of the *Sieur Dubois*, Engraver, for the losses which he suffered in consequence of his unjust detention in the prisons of Lisbon.

7thly. An indemnity of 20,000 francs for those Frenchmen who have already quitted Lisbon, and for the freighting of the ship *Jumeaux*, besides an indemnity of which the amount shall be hereafter fixed, for those Frenchmen who remained at Lisbon after the departure of the Consul, and who have sustained any injury since his departure.

8thly. The strict observance, in future, of the right of Frenchmen to be

protected from arrest, except by virtue of an order from the Judge Conservator of those privileged nations, who have not at present one specially belonging to them.

Having now, in obedience to my instructions, presented a detailed statement of those wrongs of which France expects the complete reparation, I proceed to discharge another duty of my mission by declaring to your Excellency, that a fresh refusal of satisfaction for such just demands, would infallibly draw upon the Portuguese Government consequences for which they would only have themselves to blame. I am also obliged to add in the most distinct manner that if the satisfactions that I have demanded are not given formally and completely within forty-eight hours from the present time, it will only remain for me to execute the orders with which I have been entrusted by my Government.

Accept, &c.
(Signed) DE RABAUDY,
Captain of the Navy.

His Excellency Viscount de Santarem,
 &c. &c. &c.

P.S.—The brig *Endymion* which I have employed to convey to you this Despatch will wait forty-eight in the Tagus for the receipt of your answer, after which time it has been ordered to rejoin me.

Viscount de Santarem to M de Rabaudy — (Translation.)

IN having the honour to acknowledge the receipt of the communication which you have addressed to me, dated the 15th of this month, and which was delivered to me on the 16th, at 6 o'clock in the evening, by an officer of the brig of war *Endymion*, I have at the same time that of informing you in reply, that the Portuguese Government not having at Paris any agent authorized to treat of matters of such high political importance as that which forms the subject of your communication, and not being aware of any diploma which can authorize M. Cassas to exercise even consular functions, but on the other hand being desirous of coming to a good understanding with the French Government, and to consult amicably with it upon a subject so weighty, and of which it desires to terminate the discussion in a manner at once compatible with the honour of Portugal, and the just consideration which is due to France, lost no time in addressing itself to its Allies, and particularly to England for the attainment of this end.

The important subject then of your communication being considered with reference to the consequences which might flow from it, it would be inconsistent with motives of delicacy, and also with the nature of the transaction itself, to give you the categorical answer which you demand, an answer moreover which would be found in opposition to the above considerations.

The Portuguese Government hope that you will communicate this answer as speedily as possible to your Government, and that you will in the mean time abstain from any proceeding that might be at variance with principles of moderation, and which could only be considered by other nations as an unprovoked act of aggression.

I avail myself, &c.
(Signed) VISCOUNT DE SANTAREM.

M. Rabaudy.

No. 25.

R. B. Hoppner, Esq. to Sir George Shee.—(Received June 20.)

(Extract.)

Lisbon, 10th June, 1831.

THE agents of this Government continue actively employed in fitting out their naval force, nor have they at all intermitted in the measures they have

adopted for the defence of the coast. Two more line-of-battle ships have been ordered to be fitted out as floating batteries, to be stationed near the mouth of the Tagus, and several hands have been pressed along the coast for the purpose of manning their ships of war, which are all very short of their complement.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) R. B. HOPNER.

No. 26.

Viscount Granville to Viscount Palmerston.—(Received June 16.)

(Extract.)

Paris, 13th June, 1831.

I TRANSMITTED to you by the last messenger, a paper, in which it was stated that several battalions of troops had been embarked on board certain ships at Brest and at Toulon, which were destined for Portugal; but upon inquiries which I have subsequently made, and from the assurances given to me by the Count Sebastiani, I find that in each of the ships not more than eighty soldiers have been embarked, and that they were sent on board only for the purpose of completing their war establishment.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) GRANVILLE.

No. 27.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 17th June, 1831.

I HAVE received your despatch, giving an account of the manner in which the Portuguese Government have dealt with the demands for satisfaction, made upon them by the Government of France, and of the proceedings on both sides which have followed. I have also received a communication, of which I enclose a copy, from the Viscount d'Asseca, asking for the mediation of England in the dispute which has arisen between the Governments of France and Portugal.

His Majesty's Government desire that you will lose no time in calling the serious attention of the Portuguese Government to the great and imminent dangers to which they may expose the interests of their country, by refusing or delaying to offer to the French Government just and reasonable satisfaction upon the matters to which their demands relate.

It has been felt here that the conduct of the Portuguese Government, in the discussions which took place previously to the arrival of the French squadron off the Tagus, has not been consistent with prudence or international courtesy, and that it has been ill suited to the relative situation of Portugal and France.

The Government of Portugal appear to have held with M. Cassas communications of all kinds, political as well as commercial, as long as M. Cassas was acting upon his own discretion, and in virtue of his general instructions; but when at last M. Cassas was specifically charged by his Government as their authorised agent to make demands of reparation for injuries sustained by French subjects in Portugal, the Portuguese Government thought fit to choose that particular moment to object to his competency as a channel of communication on any but commercial matters, and they refused to receive through him the demand which he was ordered by his Government to make.

What was the meaning of this decision? Did the Portuguese Government think that by such an answer they could force the French Government to recognize Don Miguel by rendering recognition an indispensable preliminary to the reception of a demand for satisfaction?

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They could hardly have entertained so strange a supposition; and have imagined that they could extort by injury and offence a recognition which, upon deliberate consideration, had as yet been withheld.

Did they mean merely to offer a gratuitous affront to the French Government, or were they conscious of the justice of the demands and of their own inability to make any sufficient reply to them? and did they seek merely to gain time trusting to unforeseen accidents for an escape from the necessity of affording the satisfaction which was due?

It was obvious that France could not allow the matter to rest there, and a Government endued with the smallest degree of foresight must have expected that as soon as M. Cassas's departure from Lisbon should be known in France, measures would immediately be taken to repeat in more peremptory terms, and with menace in the event of refusal, the demands which had been made through him.

This accordingly happened; a French naval force arrived off the Tagus: the demands were repeated and reprisals announced within a specified number of hours if satisfaction were not afforded. What was the conduct of the Portuguese Government upon this? did they agree to the demands, or did they give an answer justifying their refusal? neither—They contented themselves with saying that they had referred the matter to their Allies, without knowing whether the Governments whom they so described, would or would not consent to undertake the mediation; and upon this vague and indefinite reply, they expected that the French naval commander would disobey the orders with which he had sailed.

If the Government of Portugal had felt that they had any just reasons to give for declining to comply with the demands of France, and if their only reason for not replying to M. Cassas was his want of proper diplomatic character, would they not immediately upon his departure from Lisbon have sent some agent to Paris, to afford the necessary explanations, or would they not have offered those explanations through the Spanish Minister at Paris, Spain at least having acknowledged Don Miguel. But if any reasons, which are not apparent, prevented the Portuguese Government from pursuing either of these courses, why did they not, when the French naval force arrived off the Tagus, then tender to the French Government through the commanding officer of the squadron, that satisfaction which they felt to be due, and offer explanations if they had any to give, to shew that more was demanded of them than strict justice required.

The Portuguese Government ought to be made aware, if it is not so already, that the Government of France will not content itself with the reprisals already made, and that if the Government of Portugal do not immediately give satisfaction, measures of more vigorous hostility are in contemplation and will speedily be put in force.

His Majesty's Government are perfectly aware of all the obligations towards Portugal imposed upon them by the Treaties which subsist between the two Countries, Treaties which are not abrogated or suspended by the present discontinuance of diplomatic relation between the two Governments, or by the circumstance that the person, in whose name the Government of Portugal is now administered, is not recognized by the King of England.

But His Majesty's Government do not admit that the true meaning of those Treaties can compel them blindly to take up any quarrel into which a Portuguese administration may in its infatuation plunge its country, or to defend that administration, right or wrong, against all whom it may choose to injure or affront. His Majesty's Government take a deep interest in the welfare of Portugal, and would sincerely lament any misfortune which might befall that country. But if those who now govern Portugal, despising all considerations of ordinary prudence, and neglecting and rejecting the counsels which may be given them, rush without just grounds into a contest with a Power with which they are utterly unable to cope, upon those persons must lie the heavy responsibility of all the calamities which may ensue.

You are therefore instructed immediately to go to M. de Santarem to represent to him all the foregoing considerations, and to state to him that His Majesty's Government earnestly counsel the Government of Portugal to lose not a single day in giving just satisfaction to France, and to assure him that every hour's delay in doing so exposes Portugal to encreasing danger.

His Majesty's Government have no hesitation in advising the immediate liberation of M. M. Bonhomme and Sauvinet. With respect to the former doubts are entertained of the sufficiency of the proof upon which his sentence was founded, and he has already undergone part of the punishment awarded. With respect to the second, the treatment which he has suffered has been as far as His Majesty's Government are informed, arbitrary, unjust, and cruel.

His Majesty's Government cannot form an opinion as to the amount of compensation claimed for these two individuals, but they recommend the Portuguese Government to do whatever may be just upon that point.

The compensation claimed for other persons is a matter with respect to which His Majesty's Government have no means of forming an opinion; but judging of this question from what they know of the course pursued by the Portuguese Government in other cases, they think it highly probable that the compensation claimed is justly due.

With respect to the removal of the Judges who condemned M. Bonhomme, His Majesty's Government have not a sufficiently accurate knowledge of the particulars of the case to warrant them in pronouncing an opinion; but they have to observe that if the Portuguese Government possess the power of removing Judges, and have exercised that power in political cases when they have disapproved the judgments pronounced, they have at least themselves afforded a precedent for the demand now made upon them by France.

The privilege claimed for French subjects in Portugal, of being protected by Judges Conservator of those nations who have such judges, is a privilege enjoyed by the French under an Alvará of the King of Portugal, as far back as 1685, and the recent treatment of French subjects in Portugal, seems sufficiently to prove the importance of that protection.

His Majesty's Government do not know whether this privilege was renewed at the termination of the last war between France and Portugal, and whether it has been practically enjoyed by French subjects in Portugal during the last sixteen years. If it has been so enjoyed, the French Government seem entitled to demand its strict observance. If, on the other hand, the privilege has expired, and has ceased to exist, His Majesty's Government cannot but recommend that it should be renewed by a fresh order from the Portuguese Government.

Upon these demands, therefore, His Majesty's Government earnestly counsels the Government of Portugal to give, without delay, that satisfaction which may justly be due to France.

You will be careful, in making this communication, to say and do nothing which shall imply any approach to a recognition of Don Miguel by the British Government.

R. B. Hoppner, Esq.
&c. &c. &c.

I am, &c.

(Signed)

PALMERSTON.

No. 28.

Viscount Palmerston to Hamilton Hamilton, Esq.

Sir,

Foreign Office, 17th June, 1831.

I ENCLOSE a copy of a despatch, which I have addressed to Mr. Hoppner, upon the subject of the dispute now pending between France and Portugal.

I have to instruct you to communicate to the French Government the substance of this despatch, apprizing them also of the nature of the engagements on the part of Great Britain towards Portugal, which arise out of the Treaty, of which I send you an extract.

You will, at the same time, state that His Majesty's Government hope that as they are using whatever influence they may possess with the Government of Portugal, for the purpose of inducing that Government to give immediately just satisfaction to France, the French Government may be induced to suspend, for the present, any measures of hostility against the city of Lisbon, or the territory of Portugal, which, in the present situation of affairs might give rise to embarrassments.

You are further instructed to communicate to the French Government the enclosed copy of the sentence passed upon Bonhomme, which may not, perhaps, have been brought under the notice of that Government, and to observe, that if the facts, therein alleged, were substantiated by sufficient evidence before the court, those facts may, probably lead the French Government to take a different view of the conduct of the judges who pronounced sentence upon Bonhomme, and of the expediency of demanding their dismissal.

With regard to the privilege claimed for French subjects to be protected by the Judges Conservator of those nations who have them, a privilege which appears to have been originally granted to the French, not by Treaty, but by an Alvará of the King of Portugal in 1685, you will endeavour to ascertain from the French Government, whether that privilege has been renewed in any manner, either by Treaty or Alvará, since the termination of the last war between France and Portugal, and whether, since that time, it has been practically enjoyed by French subjects in Portugal.

I am, &c.

H. Hamilton, Esq.

&c. &c. &c.

(Signed)

PALMERSTON.

P. S.—Since writing the above, I have received the communication which Prince Talleyrand has been instructed to make to me, namely, that the commanding officer of the French naval force, destined for the Tagus, has been ordered to communicate with the British Consul-General, and the naval officer, commanding the British vessels, previous to having recourse to any measures of active hostility, in order that such arrangements might be made as the safety of His Majesty's subjects in Lisbon might require.

Enclosure in No. 28.

Traduction littérale de l'arrêt prononcé contre le Sieur Bonhomme.

ACCORDENT, etc. (1.) Vus les actes du procès qu'en conformité du Décret du Roi en date du 29 Juillet dernier, on a fait à l'accusé Edmond Potentin Bonhomme, professeur de langue française, célibataire, fils de Potentin Bonhomme et de Félicité Borda, né en France, âgé de 32 ans, demeurant à la "Calçada da Estrella," détenu dans la prison depuis le 18 Septembre dernier, mis en accusation dans l'enquête formée par le Juge original de Coimbra, le 28 Avril 1828, et renouvelée par l'ordre du Roi le 5 Juin dernier, au sujet des scandaleuses irrévérences et des outrages sacrilèges, pratiqués contre la Majesté Divine, dans l'Eglise Cathédrale de la susdite ville, les Jeudi et Vendredi Saints de la dite année de 1828, par les sommaires, (2) il est prouvé que dans la dite Eglise, dans l'après-midi des dits jours, on a commis les plus grandes profanations, et particulièrement dans la Chapelle du très Saint Sacrement, située vis-a-vis de celle où, le Jeudi Saint, on fait le sacré dépôt du même très Saint Sacrement, dans laquelle entrèrent plusieurs étudiants qui, avec la plus grande indécence et le plus grand scandale, jetaient des dragées dans le sein de femmes publiques, jusqu'à ce que celles-ci

entrèrent aussi dans la chapelle ; et mettant les mantilles et schalls qu'elles portaient sur le marche-pied de l'autel et sur la crédence, ainsi que sur l'autel même, avec les manteaux des étudiants, parmi lesquels il y en avait un sans habit, là ils se couchèrent avec la plus grande irrévérence et indécence, étant couverts par les rideaux de la Chapelle qui sont fermés ce jour-là—Et ainsi jure de l'avoir vu, et comme un fait qui lui est personnel, le père Trésorier de la Cathédrale, témoin (No. 6.) dans la première enquête, puisqu'en entrant le soir du Jeudi Saint dans la dite Chapelle, il vit cette réunion à la clarté des lumières du Trône (3) qui se trouvait vis-à-vis, après avoir ouvert un des rideaux de la dite chapelle. La même chose est affirmée par les témoins Nos. 1 et 3, de la seconde enquête. Et une manière si indécente d'être dans le temple causant du scandale à tout le monde, le Huissier de l'Université avec les Gendarmes vinrent pour chasser, de cet endroit, les impies infames, ce qu'ils ne purent obtenir d'abord à cause de leur résistance, mais secondés par quelques soldats, ils les forcèrent de sortir. Ce fut alors qu'on a vu l'accusé, étant alors dans sa première année du Cours de Droit, et qu'on l'a reconnu parmi ceux qui avait pratiqué conjointement de si détestables irrévérences, et de si sacrilèges attentats contre la Majesté Divine, avec opprobre de la religion, mépris du lieu sacré, et scandale général de la ville ; et ainsi jurent de l'avoir vu les témoins, (No. 1, et 15.) de la première enquête. Interrogé dernièrement sur ces abominables faits, l'accusé répond que le Jeudi Saint il n'est pas allé à la Cathédrale, ayant resté toute la journée chez des Brésiliens jouant à l'ombre. Le recours, qui d'ailleurs n'est pas prouvé, en conformité à l'Ordenação (4.) n'excluerait pas la possibilité d'avoir comis le délit, parce que son allégation et même sa crédibilité, selon les dispositions générales du droit civil et particulier, ne détruit pas la preuve résultante des témoignages combinés ensuite avec les dépositions des témoins qui font charge à l'accusé, comme un associé de La Sainte Loge, association formée pour outrager la Majesté Divine et son Saint Culte. Ce crime abominable, par lequel on attaque et on insulte la Société Chrétienne en ce qu'elle a de plus respectable, celui qui le commet montre bien qu'il ne respectera pas, et même qu'il osera violer toutes les lois, puisqu'il a été capable de violer l'objet de la plus grande vénération avec scandale général de ce royaume, où l'accusé se trouvait benigne-ment accueilli et protégé par les lois de l'hospitalité. Pour cela il condamne E. P. Bonhomme à être fouetté dans les rues publiques de cette ville, et à aller ensuite en exil pour dix ans à Angola, à 50,000 Rs. pour les dépenses de la relação, et aux frais du procès. Lisbonne le 11 Décembre, 1830.

1. Forme de Sentence en Portugal.
2. Seconde Enquête.
3. En Portugal on expose le Saint Sacrement sur un trône garni de cent cierges en forme d'amphitéatre.
4. Nom du Code Portugais.

(Translation.)

Literal Translation of the Sentence pronounced against the Sieur Bonhomme.

Lisbon, 11th December, 1830.

THE Court Decrees, &c. (1) considering the acts of the suit which, in conformity to the Decree of the King, dated the 29th of July last, was instituted against the defendant Edmund Potentin Bonhomme, professor of the French Language, bachelor, son of Potentin Bonhomme and Felicité Bordas, born in France, aged 32 years, dwelling in the Calçada da Estrella, detained in prison since the 18th of September last, accused, in the enquiry instituted by the Judge of First Instance of Coimbra on the 28th of April, 1828, and renewed by an order of the King dated the 5th of June last, relative to the scandalous irreverence and sacrilegious outrages against Divine Majesty, which had been committed in the Cathedral of the above city, on Holy Thursday and Good Friday of the said year 1828, by the accused, (2) it has been proved that the greatest profanations were committed in the above named

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church, in the afternoon of the said days, and particularly in the chapel of the Most Holy Sacrament, opposite to the one in which on the Holy Thursday, the sacred deposit is made of the said most Holy Sacrament; into which several students entered, who, with the greatest indecency, and to the greatest scandal, threw comfits into the bosoms of public women, until they likewise entered into the chapel; and placing their cloaks and the shawls which they wore, upon the steps of the altar, and on the small table near it, as well as on the altar itself, together with the cloaks of the students, among whom there was one without a coat, they there laid themselves down with the greatest irreverence and indecency, being concealed by the curtains of the chapel, which are on that day closed. And this the treasurer of the cathedral, witness No. 6, in the first investigation, swears to have seen, and to be a fact, which is personally known to him, as on entering on the evening of the Holy Thursday, into the said chapel, after having opened one of the curtains, he beheld this assemblage by the light of the tapers of the throne (3) which was opposite. The same thing is affirmed by witnesses Nos. 1 and 3 on the second enquiry. So indecent a manner of conducting oneself in the temple, causing scandal to every one, the Beadle of the University went with Gendarmes in order to drive these impious wretches away, which they could not accomplish in consequence of their resistance, but seconded by some soldiers, they obliged them to leave the church. It was then that the defendant was seen, he being at that time in his first year of the course of law, and that he was recognised as having been among those who had practised such detestable irreverences, and such sacrilegious outrages against Divine Majesty, to the reproach of religion, the contempt of the holy spot, and to the general scandal of the town; and this the witnesses Nos. 1 and 15 of the first enquiry swear to have seen. Having been latterly examined respecting these abominable facts, the defendant replied that, on Holy Thursday, he did not go to the cathedral, having remained the whole day at the house of certain Brazilians playing l'ombre. This assertion, which moreover is not proved, in conformity with the *Ordenação*, (4) would not exclude the possibility of having committed the crime, because his allegation and even his credibility, according to the general principles of civil and private right, does not annul the proof resulting from the evidence, combined afterwards with the deposition of the witnesses, who charge the accused with being a member of the Holy Lodge, an association formed to outrage Divine Majesty and its holy worship. He who commits this abominable crime, by which all that is most respectable in Christian society, is insulted, shews clearly that he will not respect, but on the contrary, that he would dare to violate all laws, since he has been capable of violating an object of the greatest veneration, to the universal scandal of the kingdom, where the defendant has found himself kindly received, and protected by the laws of hospitality. For this E. P. Bonhomme is condemned to be scourged in the public streets of this city, and to go afterwards for ten years to Angola; to 50,000 reis for expences of the *Relação*, and to the costs of trial.

(1) Form of sentence in Portugal.

(2) Second enquiry.

(3) In Portugal the Holy Sacrament is exposed on a throne, adorned with a hundred wax lights, in form of an Amphitheatre.

(4) Name of the Portuguese code.

No. 29.

Viscount Palmerston to Viscount d'Assoca.

M. Le Viscomte.

Foreign Office, 18th June, 1831.

I HAVE had the honour to receive your letter of the 7th instant, and, in reply, I beg leave to call your serious attention to the great and imminent dangers to which the Portuguese Government may expose the interests of their

country, by refusing or delaying to offer to the French Government just and reasonable satisfaction upon the matters to which their demands relate.

It has been felt here that the conduct of the Portuguese Government, in the discussions which took place previously to the arrival of the French squadron off the Tagus, has not been consistent with prudence or inter-national courtesy, and that it has been ill suited to the relative situation of Portugal and France.

The Government of Portugal appears to have held with Monsieur Cassas' communications of all kinds, political as well as commercial, as long as Monsieur Cassas was acting upon his own discretion, and in virtue of his general instructions ; but when, at last, Monsieur Cassas was specifically charged by his Government, as their authorized agent, to make demands of reparation for injuries sustained by French subjects in Portugal, the Portuguese Government chose that particular moment, to object to his competency, as a channel of communication on any but commercial matters, and they refused to receive, through him, the demand which he was ordered by his Government to make.

What was the meaning of this decision ? Did the Portuguese Government think, that by such an answer, they could force the French Government to recognize Don Miguel, by rendering recognition an indispensable preliminary to the reception of a demand for satisfaction ?

They could hardly have entertained so strange a supposition, or have imagined that they could extort by injury and offence, a recognition, which, upon deliberate consideration, had as yet been withheld.

Did they mean merely to offer a gratuitous affront to the French Government, or were they conscious of the justice of the demands, and of their own inability to make any sufficient reply to them ? and did they seek merely to gain time, trusting to unforeseen accidents for an escape from the necessity of affording the satisfaction which was due.

It was obvious that France could not allow the matter to rest there ; it ought to have been expected, that as soon as Monsieur Cassas' departure from Lisbon should be known in France, measures would immediately be taken to repeat in more peremptory terms, and with menace, in the event of refusal, the demands which had been made through him.

This accordingly happened ; a French naval force arrived off the Tagus ; the demands were repeated, and reprisals announced, within a specified number of hours, if satisfaction was not afforded.

The Portuguese Government, however, neither agreed to these demands, nor did they give an answer justifying their refusal. They contented themselves with saying, that they had referred the matter to their Allies, without knowing whether the Governments, whom they so described, would or would not consent to undertake the mediation ; and upon this vague and indefinite reply, they expected the French naval commander would disobey the orders with which he had sailed.

If the Government of Portugal had felt that they had any just reasons to give for declining to comply with the demands of France, and their only reason for not replying to Monsieur Cassas, was his want of proper diplomatic character, why did they not, immediately upon his departure from Lisbon, send some agent to Paris to afford the necessary explanations, or why did they not offer those explanations through the Spanish Minister at Paris. Spain, at least, having acknowledged Don Miguel.

But if any reasons, which are not apparent, prevented the Portuguese Government from pursuing either of these courses, why did they not, when the French naval force arrived off the Tagus, then tender to the French Government, through the commanding officer of the squadron, that satisfaction which they felt to be due, and offer explanations, if they had any to give, in order to shew that more was demanded of them than strict justice required.

The Portuguese Government ought to be aware, if it is not so already that the Government of France will not content itself with the reprisals already made, and that if the Government of Portugal do not immediately give

just satisfaction, measures of more rigorous hostility are in contemplation, and will speedily be put in force.

His Majesty's Government are perfectly aware of all the obligations towards Portugal, imposed upon them by the Treaties which subsist between the two countries, Treaties which are not abrogated or suspended by the present discontinuance of diplomatic intercourse between the two Governments, or by the circumstance that the person in whose name the Government of Portugal is now administered, is not recognized by the King of England.

But His Majesty's Government do not admit that the true meaning of those Treaties can compel them blindly to take up a quarrel, into which a Portuguese Administration may, by its infatuation, plunge its country, or to defend that Administration right or wrong against all whom it may choose to injure or affront. His Majesty's Government take a deep interest in the welfare of Portugal, and would sincerely lament any misfortune which might befall that country. But, if those who now govern Portugal, despising all considerations of ordinary prudence, and neglecting and rejecting the counsels which may be given them, rush without just grounds into a contest with a power with which they are utterly unable to cope, upon those persons must be the heavy responsibility of all the calamities which may ensue.

His Majesty's Government earnestly counsel the Government of Portugal to lose not a single day in giving just satisfaction to France, since every hour's delay in doing so, exposes Portugal to increasing danger.

His Majesty's Government have no hesitation in advising the immediate liberation of M. M. Bonhomme and Sauvinet; with respect to the former, doubts are entertained of the sufficiency of the proof upon which his sentence was founded, and he has already undergone part of the punishment awarded. With respect to the second, the treatment which he has suffered, has been, as far as His Majesty's Government are informed, arbitrary, unjust, and cruel.

His Majesty's Government cannot form an opinion as to the amount of compensation claimed for those two persons; but they recommend the Portuguese Government to do whatever may be just upon that point.

The compensation claimed for other persons, is a matter with respect to which His Majesty's Government have no means of forming an opinion, but, judging of this question from what they know of the course pursued by the Portuguese Government in other cases, they think it highly probable that the compensation claimed is justly due.

With respect to the removal of the judges who condemned Monsieur Bonhomme, His Majesty's Government have not a sufficiently accurate knowledge of the particulars of the case, to warrant them in pronouncing an opinion, but they have to observe, that, if the Portuguese Government possess the power of removing judges, and have exercised that power in political cases, where they have disapproved the judgments pronounced, they have at least themselves afforded a precedent for the demand now made upon them by France.

The privilege claimed for French subjects in Portugal, of being protected by judges conservator of those nations who have such judges, is a privilege enjoyed by the French under an Alvará of the King of Portugal as far back as 1785, and the recent treatment of French subjects in Portugal seems sufficiently to prove the importance of that protection. His Majesty's Government do not know whether this privilege was renewed at the termination of the last war between France and Portugal, and whether it has been practically enjoyed by French subjects in Portugal during the last sixteen years. If it has been so enjoyed, the French Government seem entitled to demand its strict observance. If, on the other hand, the privilege has expired, and has ceased to exist, His Majesty's Government cannot but recommend that it should be renewed by a fresh order from the Portuguese Government.

Upon these demands, therefore, His Majesty's Government earnestly counsel the Government of Portugal to give without delay, that satisfaction which may be justly due to France, and not to bring upon itself, and upon Portugal, these imminent dangers, which a perseverance in refusal would produce.

Viscount d'Asseca,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

Hamilton Hamilton, Esq. to Viscount Palmerston.—(Received June 23.)

(Extract.)

Paris, 20th June, 1831.

I HAD the honour, last evening, to receive your Lordship's despatch of the 17 inst., relative to the dispute now pending between this country and Portugal; and this morning, in an interview with M. de Sebastiani, I executed the instructions which this despatch conveyed to me.

M. de Sebastiani stated, that no measures of active hostility were to be adopted till after due communication and concert with His Majesty's Consul, and the officer commanding His Majesty's ships of war in the Tagus; while the French squadron had on board neither troops for disembarkation, nor mortars for bombardment.

The sentence passed upon M. Bonhomme had not been seen by M. de Sebastiani, in detail, before; the urgent demands of the French Government for a copy having been invariably met by a refusal; but his Excellency informed me they had good reason to believe, that many of the statements it comprehends have no other foundation than the bigotry and malevolence of the Portuguese priesthood.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) HAMILTON HAMILTON.

Vicomte d'Asseca to Viscount Palmerston.

M. Le Vicomte,

Londres, ce 23 Juin, 1831.

J'AI l'honneur d'accuser la réception de la lettre de Votre Excellence en date du 18 de ce mois, en réponse à celle que j'ai eu l'honneur de lui adresser le 7 du courant, dans laquelle j'insistais sur l'objet des deux autres que j'avais eu l'honneur de lui adresser en date du 1^{er} Juin et 4 Mai.

Vous me permettrez d'entrer en quelques détails sur l'objet de votre dépêche à Mr. Hoppner, pour être présentée à mon Gouvernement. Ayant été l'organe dont le Gouvernement Portugais s'est servi pour faire connaître les circonstances qui ont précédé et accompagné ses différends entre lui et le Gouvernement Français, je crains que quelque faute d'explication de ma part ait pu laisser introduire quelque erreur dans la manière de voir la question, qui puisse faire attribuer à mon Gouvernement quelque autre but, qui ne soit celui qu'il s'est proposé de conserver la dignité d'un Gouvernement indépendant, de suivre les lois du pays, et de se conformer à ses anciens usages, en s'adressant au Gouvernement de Sa Majesté Britannique comme à son ancien et fidèle Allié dans des circonstances aussi difficiles.

Votre Excellence conseille mon Gouvernement d'accéder aux justes et raisonnables demandes de la France. Je n'aurais qu'à répéter ce que j'ai eu l'honneur de dire, d'après les instructions que j'ai reçues, que mon Gouvernement est prêt à faire, dans ce cas comme dans tous les autres, tout ce qui est juste et raisonnable, et que c'est sur cette base que j'ai demandé la médiation du Gouvernement de Sa Majesté Britannique.

Je me permettrai d'observer à Votre Excellence, quant à la charge faite à mon Gouvernement, d'avoir choisi le moment où M. Cassas a présenté ses demandes de la part de son Gouvernement, pour lui déclarer qu'il n'était pas compétent pour traiter des affaires diplomatiques, que cet agent n'avait jamais traité que des affaires consulaires jusqu'au mois de Février de cette année, où il a protesté contre la création d'une commission à Lisbonne. Cet acte ne lui a pas été admis; le Ministre des Affaires Etrangères lui a renvoyé sa lettre. C'est donc dans toutes les occasions où il a voulu s'écarter de ses fonctions consulaires, que le Gouvernement n'a pas reçu ses communications. M. Cassas aurait voulu se placer sur le même pied que le Consul Britannique,

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sans faire la part de la différence de la position des deux Gouvernemens envers le Portugal, et même de la position personnelle du Consul Britannique.

Quant à la supposition de ce que le Gouvernement Portugais a voulu se servir de cette occasion pour se faire reconnaître par le Gouvernement Français, j'observerai qu'aucun antécédent ne peut faire croire l'existence d'une telle intention. Le Gouvernement n'a fait aucune démarche qui pût l'annoncer ; et les deux pays se trouvent sous ce rapport dans la même position. D'ailleurs le Gouvernement Portugais n'ignorait pas que le Gouvernement Français pouvoit employer des moyens pour obtenir des explications sur ses griefs, sans que ces moyens comportassent la reconnaissance du Gouvernement Portugais.

L'envoi d'un agent à Paris ne paraissait pas le plus convenable, puisque si cet agent ne serait pas reçu, les complications et les difficultés ne feraient qu'augmenter. Mon Gouvernement donc, en s'adressant aux Gouvernemens de Sa Majesté Britannique et de Sa Majesté Catholique, a adopté la voie la plus honorable et la plus digne pour la France, et pour le Portugal, et que l'exemple en de pareils cas l'autorisait à suivre.

La réponse que le Gouvernement Portugais a donnée au commandant de l'escadre Française ne peut être regardée que comme un moyen très sage pour tâcher d'éviter les hostilités dont il étoit menacé. Ce commandant n'étant pas autorisé d'entrer en négociation, toute réponse qui ne serait pas une concession totale à ses demandes n'aurait pas évité ces mêmes résultats ; et en outre le Gouvernement de Sa Majesté Très Fidèle ayant lieu d'espérer la médiation du Gouvernement de Sa Majesté Britannique qu'il avait demandée, aurait manqué aux égards qui sont dûs à son Allié, s'il avait prise une détermination quelconque, qui d'ailleurs pourrait se trouver en opposition avec celles que ses Alliés auraient peut-être adoptées.

Le Gouvernement de Sa Majesté Très Fidèle voit toujours avec plaisir répéter et confirmer l'existence des Traités qui le lient avec le Gouvernement de Sa Majesté Britannique, Traités dont votre Excellence connaît bien la nature obligatoire, et tout-à-fait particulière. Les engagements formels du Gouvernement de Sa Majesté Britannique ne peuvent trouver une exception dans les circonstances actuelles. Le Gouvernement Portugais n'est pas l'agresseur dans la guerre qui paraît le menacer d'après l'attitude de la France. Il n'a pas attaqué le territoire Français, ni son Gouvernement, soit directement, soit dans la personne de ses représentans. Les propriétés Françaises ont été respectées. Il n'y a point eu d'infraction de Traités, puisqu'il n'en existe pas entre les deux nations.

Quel est donc le juste motif que le Portugal a donné pour provoquer ces hostilités ? Et ce motif est-il tellement clair, qu'il puisse dispenser son Allié de l'assistance qu'il reconnaît lui devoir ? Le Gouvernement ne se trouve dans aucun des cas, qui pourraient qualifier une guerre injuste de sa part. Tout son tort est d'avoir puni deux François, dont l'un naturalisé en Portugal, tous les deux jugés selon les formes requises par les lois et usages du pays.

Votre Excellence conviendra sans doute, que dans les Traités qui existent entre le Portugal et la Grande Bretagne, le plus grand intérêt dans la partie commerciale revient à l'Angleterre ; que le Portugal fait des sacrifices en accordant des privilèges si extraordinaires, et peut-être sans exemple, dont jouissent les sujets Britanniques, et que s'il ne lui en revient pas en retour d'avoir des secours dans des circonstances aussi critiques, on serait tenté de croire que ces Traités ne sont qu'onéreux au pays.

Vous n'ignorez pas, M. le Vicomte, que la France, de tout temps, quel que soit son Gouvernement, convoitise les avantages que l'Angleterre retire de ses Traités avec le Portugal, et qu'elle ne négligera pas aucun moyen qui puisse l'approcher de ce but.

Quoique je ne sois pas encore autorisé par mon Gouvernement de répondre aux conseils que vous lui donnez, relativement aux moyens de satisfaire aux demandes de la France, je pourrai cependant vous observer que la destitution des Juges qui ont prononcé les sentences de Messieurs Bonhomme et Sauvinet, serait un acte injuste, illégal, et attentatoire à l'autorité judiciaire, qui, dans tout pays, quelle que soit la forme du Gouvernement, est toujours respectée. S'il

y a des antécédens en Portugal, comme partout ailleurs, d'avoir puni des Juges pour leur conduite, ou pour leurs opinions particulières, jamais il n'y a eu d'exemple de les avoir punis collectivement pour avoir, comme tribunal compétent, jugé des procès qui lui ont été commis. Le principe de reconnaître l'autorité des décisions dans de pareils cas, est consacré par tout ce qui maintient l'ordre social.

Pour ce qui regarde M. Sauvinet, il a été naturalisé Portugais, et il s'est considéré tel jusqu'à ce que M. Cassas ait voulu annuler sa naturalisation, se servant de la raison spécieuse qu'il avait été naturalisé pendant le régime constitutionnel, et d'après les lois que ce régime établit sur cet objet. Quoique cette loi, avec les autres du même temps, ait été abolie, le décret du Roi qui les a abolies, ne pouvait pas avoir un effet rétrograde, et il y est en outre bien spécifié, que tous les actes et contrats particuliers, etc. qui avaient été faits d'après les lois qu'on abrogeait, restaient en vigueur. Et bien que sa condamnation, même comme étranger, par un tribunal compétent, soit une justification suffisante pour mon Gouvernement, je cite ce fait pour prouver la mauvaise foi de M. Cassas.

J'ai eu l'honneur de répéter à votre Excellence, qu'il n'existe pas de Traités entre le Portugal et la France; qu'ils ont cessé d'exister depuis l'invasion de Portugal par les Français, et que tout autre privilège ou concession était comme non-venu depuis cet événement. Le privilège d'un Juge Conservateur est, peut-être, le plus contraire aux intérêts du pays, et à sa dignité; il n'est jamais accordé sans une réciprocité d'avantage, et c'est l'objet d'une négociation, pas d'une exigence par la force des armes.

Je ne puis pas m'empêcher de dire à votre Excellence, qu'il sera très pénible pour mon Gouvernement de ne pas trouver dans le conseil que lui donne le Gouvernement de Sa Majesté Britannique, le moyen de conserver son honneur et sa dignité de la même manière que plus d'un exemple dans son histoire l'autorisait d'attendre. Et s'il accède aux insinuations de son Allié, en accordant les demandes du Gouvernement Français, il lui restera pour se défendre des accusations que la nation lui fera d'une pareille humiliation, le moyen de lui faire voir qu'il s'est livré complètement à ce même Allié, dont l'honneur et la loyauté ont de tout temps garantis la dignité, l'indépendance, et l'honneur du Gouvernement Portugais.

A. S. E. le Vicomte Palmerston.
&c. &c. &c.

Je saisis, &c.
 (Signed) VICOMTE D'ASSECA.

(Translation.)

My Lord,

London, 23d June, 1831.

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated the 18th instant, in answer to that which I had the honour to address to you on the 7th instant, in which I pressed the subject of the two other notes which I had the honour to address to you, dated the 1st June, and 4th May.

Permit me to enter into some details respecting the object of your despatch addressed to Mr. Hoppner, for the purpose of being presented to my Government. Having been the instrument employed by the Portuguese Government in making known the circumstances which have preceded and accompanied the differences between it and the French Government, I fear that some want of explanation on my part may have led to some error in the manner of viewing the question, and which may expose my Government to the suspicion of having some object distinct from that which it has entertained, of preserving the dignity of an independent Government, of following the laws of the country, and of conforming with its ancient customs, in addressing itself under such difficult circumstances to the Government of His Britannic Majesty, as to its ancient and faithful Ally.

Your Excellency advises my Government to accede to the just and reasonable demands of France. I have only to repeat what I have already had the honour of saying in conformity with the instructions which I have received, that my Government is ready to do, in this case as in all others, every thing

which is just and reasonable; and that it is upon this ground that I have demanded the mediation of the Government of His Britannic Majesty.

I may be permitted to observe to your Excellency, as regards the charge made against my Government of having chosen the moment when Mr. Cassas presented his demands on the part of his Government, to declare to him that he was not competent to treat upon diplomatic affairs,—that this agent had never transacted any but consular business, until the month of February of this year, when he protested against the creation of a Commission at Lisbon. This step was not allowed; the Minister for Foreign Affairs returned his letter to him. It thus appears that upon every occasion, upon which he attempted to exceed his power as a Consul, the Government refused to receive his communications. M. Cassas wished to place himself upon the same footing as the English Consul, without considering the difference of the position of the two Governments towards Portugal, and even the personal position of the English Consul.

As to the supposition that the Portuguese Government wished to take advantage of this circumstance in order to obtain recognition from the Government of France, I shall observe, that nothing which had previously occurred, could create the belief of the existence of such an intention. The Government has taken no step which could have indicated such a wish; and the two countries find themselves in this respect in the same position. Moreover, the Portuguese Government were not ignorant that the French Government could employ means for obtaining explanations relative to its complaints, without those means involving the recognition of the Portuguese Government.

Sending an agent to Paris did not appear the most convenient course, because if that agent should not be received, the complications and difficulties would only have been increased. My Government then, in addressing itself to the Government of His Britannic Majesty, and of His Catholic Majesty, has adopted the course the most honourable and the most becoming for France, and for Portugal, and one which the example of similar cases authorized it to pursue.

The answer which the Portuguese Government has given to the commander of the French squadron cannot be considered otherwise than as a very prudent means to endeavour to avoid the hostilities with which it was threatened. This commander, not being authorized to enter into negotiation, any answer which did not amount to a total concession of his demands, would not have avoided those results; and, besides the Government of His Most Faithful Majesty having reason to hope for the mediation of the Government of His Britannic Majesty, which it had demanded, would have been wanting in the respect due to its Ally, if it had taken any determination, whatever, which might moreover prove to be in opposition to those which its Allies might perhaps have adopted.

The Government of His Most Faithful Majesty always, sees with pleasure, the renewal and confirmation of those Treaties which bind it with the Government of His Britannic Majesty,—Treaties, of which your Excellency well knows the obligatory and quite peculiar nature. The existing circumstances constitute no exception whatever to the formal engagements of His Britannic Majesty. The Portuguese Government is not the aggressor in the war with which, the attitude of France, seems to threaten it. It has not attacked the French territory, nor its Government, either directly, or in the person of its representative. French property has been respected. There has been no infraction of Treaties, because there exist none between the two nations.

What is then the just cause that Portugal has given for these hostilities? And is this cause so clear, that it can relieve its Ally from the assistance which it acknowledges to be due to her? The Government is not in any of the situations which would excuse an unjust war on its part. All that it has done wrong is to have punished two Frenchmen, one of whom was naturalized in Portugal, and both of whom were judged according to the forms required by the laws and customs of the country.

Your Excellency will acknowledge without doubt that in the Treaties which exist between Portugal and Great Britain, the greatest advantage in the commercial part falls to England. That Portugal makes sacrifices in granting privileges so extraordinary, and perhaps without example, which are enjoyed by British subjects, and that if in return no assistance is to be granted her in such critical circumstances, one may be allowed to think that these Treaties are only burdensome to the country.

You are not ignorant, my Lord, that France, at all times, whatever may have been its Government, has coveted the advantage which England derives from its Treaties with Portugal, and that it will not neglect any means which may bring it nearer to this object.

Although I am not yet authorized by my Government to answer to the advice which you gave it, respecting the means of satisfying the demands of France, I may nevertheless observe to you, that the dismissal of the Judges who pronounced the sentences upon Messrs. Bonhomme and Sauvinet, would be an unjust, illegal act, and subversive of the judicial authority, which in every country, whatever may be the form of its Government, is always respected. If there are precedents in Portugal, as elsewhere, of judges being punished for their conduct, or for their private opinions, there is no evidence of their having been punished collectively, for having, as a competent tribunal, judged the causes which have been brought before them. The principle of acknowledging the authority of the decisions in such cases, is consecrated by every thing which maintains the order of society.

As regards M. Sauvinet, he was a naturalized Portuguese, and considered himself such until M. Cassas wished to annul his naturalization, making use of the specious pretence that he had been naturalized under the constitutional system, and according to the laws which this system establishes upon the subject. Although this law, with the others of the same time, has been abolished, the decree of the King, which abolished them, could not have a retrograde effect; and it is besides clearly specified in that decree, that all the acts and private contracts, &c. which had been made according to those laws which it abrogated should remain in force. And although his condemnation, as a foreigner, by a competent tribunal, may be a sufficient justification of my Government, I cite this fact to prove the bad faith of M. Cassas.

I have had the honour to repeat to your Excellency, that no Treaties exist between Portugal and France; that they have ceased to exist since the invasion of Portugal by the French; and that every other privilege or concession has been annulled since that event. The privilege of a Judge Conservator is perhaps the most contrary to the interests of the country and to its dignity; it is never granted without a reciprocal advantage, and it should be the result of a negotiation, and not of a demand by force of arms.

I cannot refrain from stating to your Excellency, that it will be very painful for my Government not to find, in the advice which is given it by the Government of His Britannic Majesty, the means of preserving its honour and its dignity in the same manner, which more than one example in its history would authorise it to expect. And, if it yields to the suggestions of its Ally, in granting the demands of the French Government, then it will only remain for it in defending itself from those charges which the nation will bring against it for submitting to such a humiliation, to state that it had placed itself completely in the hands of that Ally, whose honour and loyalty have at all times protected the dignity, independence, and honour of the Portuguese Government.

I avail myself, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

VISCOUNT D'ASSECA,

No. 32.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received July 15.)

(Extract)

Lisbon, 25th June, 1831.

WITH respect to the dispute with France, every thing remains in the same position. The French squadron, now augmented by another frigate

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and corvette, still confine themselves to the capture of the Portuguese vessels, having recently made some very valuable prizes; but giving it out, through the prisoners whom they send on shore, that they war against Don Miguel and not with the Portuguese nation, and that the property captured by them, is merely sequestrated to be again restored when the former shall have given them the satisfaction they require.

On the part of this Government, there is, however, no indication of concession, and the two unfortunate French prisoners, Messrs. Sauvimet and Bonhomme, who figure in the contest, have recently been treated with increased brutality, the former, notwithstanding his advanced age, being beat and exposed to other wanton acts of cruelty; the exertions to fit out the Portuguese squadron still continue.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPNER.

No. 33.

Vicomte d'Asseca to Viscount Palmerston.

M. Le Vicomte,

Londres, ce 28 Juin, 1831.

DEPUIS que j'ai eu l'honneur de vous écrire j'ai acquis la connaissance, par des pièces officielles, des transactions diplomatiques entre le Portugal et la France, qui se sont suivies au Traité de la Paix générale avec la France en 1814, dans lequel, par un des Articles additionels, il a été déclaré que les Traités antérieurs entre le Portugal et la France seraient considérés à l'avenir comme non existants; et à l'occasion d'une Convention signée par le Prince de Benevent et le Comte de Palmella, le Prince a prétendu le rétablissement du privilège du Juge Conservateur pour les négocians Français, et le Comte de Palmella a décliné, en disant que tous les Traités antérieurs ayant été annulés, cette prétention ne pourrait être traitée que comme l'objet d'une nouvelle négociation, pour laquelle il n'était pas autorisé.

Si l'on peut juger de la justice des autres prétentions actuelles du Gouvernement Français par celle-ci, jamais le Gouvernement Portugais n'a été plus en droit d'attendre l'assistance du Gouvernement de Sa Majesté Britannique, d'après les engagements précis des Traités qui lient les deux pays.

J'ai l'honneur de répéter à votre Excellence que je ne pourrai pas répondre de la décision de mon Gouvernement sur les prétentions de la France, mais je pourrai cependant assurer à votre Excellence, que si mon Gouvernement y accède, ce ne sera que par déférence et par une parfaite confiance dans le Gouvernement de Sa Majesté Britannique, espérant de lui l'appui moral dont il a besoin dans la position difficile où il se trouvera vis-à-vis la Nation Portugaise par un pareil acquiescement.

Vicomte Palmerston,
&c. &c. &c.

(Signé) VICOMTE D'ASSECA.

Translation.

Viscount d'Asseca to Viscount Palmerston.

Viscount,

London, 28th June, 1831.

SINCE I had the honour to write to you, I have been made acquainted by official documents, with the diplomatic transactions between Portugal and France, which followed the general Treaty of Peace with France in 1814; by one of the additional Articles of which it is declared that the previous Treaties between Portugal and France shall, in future, be considered as not existing. On the occasion of a Convention, signed by the Prince of Benevent and Count Palmella, the Prince laid claim to the re-establishment of the privilege of a Judge Conservator for French merchants; but this was declined

by Count Palmella who said that as all previous Treaties had been annulled, this claim could only be treated as the subject of a new negotiation, which he had no authority to enter into.

If one may judge by this of the justice of the other pretensions now made by the French Government, the Portuguese Government never was more entitled to expect the assistance of the Government of His Britannic Majesty, according to the precise engagements of the Treaties which bind the two countries.

I have the honour to repeat to your Excellency that I am not able to answer for the decision of my Government respecting the pretensions of France; but I can nevertheless assure your Excellency, that if my Government should accede to them, it will only be out of deference to, and perfect confidence in the Government of His Britannic Majesty, looking to it for the moral support of which it stands in need, in the difficult position in which it will be placed towards the Portuguese nation by such an acquiescence.

Be pleased, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

VISCOUNT D'ASSECA.

No. 34.

R. B. Heppner, Esq. to Viscount Palmerston.—(Received July 18.)

(Extract)

Lisbon, 2d July, 1831.

BY the *Sandwich* packet which arrived here late on Sunday evening, the 26th ultimo, I had the honour to receive your Lordship's separate despatch of the 17th ultimo.

The following morning I waited upon M. de Santarem and communicated your Lordship's despatch to his Excellency. After perusing it attentively he requested me to furnish him with a copy of it, if possible, in the course of the day, as a Council was summoned to meet the next morning, having been probably convened in order to deliberate on the steps necessary to be taken in consequence of the arrival of the French squadron from Toulon, off the coast of Portugal. Such at least, I deem to have been the case, as M. de Santarem remarked that the packet had arrived very opportunely.

M. de Santarem made no observation whatever, from which I could form any judgment as to the designs of his colleagues upon the question now brought before him; neither did he express any opinion on the contents of your Lordship's despatch, and the view taken by His Majesty's Government of the pending contest between France and Portugal. He deprecated the violent language which had been used by the periodical writers of Portugal against the French nation, declaring his determination, as the same abuses continue, to recommend compulsory measures, in order to put a stop to them. He said that it had been his wish and advice that both Bonhomme and Sauvinet should be sent out of the country, which he thought would have been a more proper punishment than those that had been resorted to. In short, throughout his conversation, he wished to impress upon me that he was the constant advocate of moderation.

The views of His Majesty's Government being so distinctly defined by your Lordship's despatch, it would have been the height of presumption in me to have endeavoured to enforce them by any arguments of my own. The few remarks I ventured to make, related to the wanton cruelties still exercised at St. Julian's against M. Sauvinet, whose age ought to exempt him from such barbarities as he is exposed to; to the exceeding improbability of the charge brought against M. Bonhomme; and the barbarous system of police existing here, in consequence of which the lives of individuals are at the mercy of a set of ruffians, calling themselves royalists, who pretend to enforce a concurrence in the views of their employers, by means of their sticks, while in reality, they only succeed in creating dissent and dissatisfaction.

He left me with the impression, that steps would be immediately taken to conciliate the French Government, and to prevent the continuance of further hostilities.

Up to the latest hour that I have been able to keep open my despatch to your Lordship, I have received no intimation from Viscount de Santarem of the view of the Government with regard to the French question.

I have, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

No. 35.

R. B. Hoppner, Esq. to Sir George Shee.—(Received July 18.)

(Extract.)

Lisbon, 2d July, 1831.

I HAVE the honour to inform you that in the course of yesterday forenoon a Portuguese merchant vessel pursued by a part of the French squadron, consisting of a line of battle ship, a frigate and a brig stood in under the guns of the fort of Cascaes. The captain and crew having landed to seek protection, the fort opened her fire upon the French ships, upon which the latter wore and gave them a broadside in succession, standing in a second time for the same purpose when the fort was immediately silenced; considerable damage was done as well to the batteries themselves as to the houses in the village and about 30 soldiers are reported to be severely wounded, to which it is added that five or six have lost their lives. The militia who were drawn out on the beach for the protection of the vessel, took to flight on the commencement of the firing, the vessel itself being carried out to sea by the boats of the squadron. She proved to be the *Lord Wellington* from Bahia in 75 days, with a valuable cargo of tobacco and 14 passengers. As this is the first act of positive hostility that has occurred between the two Countries, beyond the mere detention of Portuguese vessels by the French ships of war, I have thought it my duty to bring it immediately to your notice for Lord Palmerston's information, although it evidently results from the orders originally given to the forts along the coast to fire upon the French whenever they should come within range of their guns.

The Portuguese squadron remain in the same state, with this only difference, that the line of battle ship, *Don Joao* 6 and the *Amazona* frigate have been declared from their leaky state to be unfit for sea.

I have, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) R. B. HOPPNER.

No. 36.

Vicomte d'Asseca to Viscount Palmerston.

Monsieur Le Vicomte,

Londres, ce 9 Juillet, 1831.

J'AI reçu de mon Gouvernement la confirmation de deux faits pratiqués par l'escadre Française que je m'empresse de porter à la connaissance de Votre Excellence, espérant qu'ils mériteront son attention, en lui faisant connaître que les intentions du Gouvernement Français ne paraissent pas uniquement de faire des représailles, comme ses déclarations l'ont fait croire. Deux bâtimens de l'état ont été capturés, la Corvette *Urania*, et la Gabarre *Oreste*; les officiers ont été faits prisonniers, et le drapeau François arboré sur les bâtimens.

Cet acte d'hostilité, qui ne peut pas être regardé avec indifférence par le Gouvernement de Sa Majesté Britannique, justifie le Gouvernement Portugais à la face de toute l'Europe, et le place dans son droit envers son fidèle et

loyal Allié, dont la justice et l'honneur lui garantissent l'assistance des secours, qui de tout temps il a trouvé pour maintenir sa dignité et son indépendance.

Ayant eu l'honneur de traiter de cet objet dernièrement dans ma lettre du 28 Juin, dernier il est inutile de répéter à Votre Excellence les raisons qui autorisent mon Gouvernement à espérer cette assistance de son Allié ; je me borne à référer le nouvel incident que je viens d'exposer, en osant appeler votre attention sur les graves et immédiates complications qui peuvent s'en suivre.

Par cette occasion, &c.

Vicomte Palmerston,
&c. &c. &c.

(Signé) LE VICOMTE D'ASSECA.

(Translation.)

My Lord,

London, 9th July, 1831.

I HAVE received from my Government the confirmation of two acts done by the French squadron, which I hasten to bring to the knowledge of your Excellency, hoping that they will merit your attention, in making known to you that the intentions of the French Government do not appear to be confined to reprisals, as its declarations have given reasons to be believed.

Two Government vessels have been captured ; the Corvette *Urania*, and the Store Ship *Orestes* ; the officers have been made prisoners ; and the French flag hoisted on the vessels.

This act of hostility, which cannot be regarded with indifference by the Government of His Britannic Majesty, justifies the Portuguese Government, in the face of all Europe, and places it in the right, towards its faithful and loyal Ally, whose justice and honour guarantee to it that support, which it has at all times received in maintaining its honour and independence.

Having lately had the honour to treat on this subject, in my letter of the 28th of June last, it is useless to repeat to your Excellency the reasons which justify my Government in expecting this assistance from its Ally. I content myself with relating the new incident which I have just mentioned, and in venturing to call your attention to the serious and urgent embarrassments which may result from it.

I reiterate, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

VISCOUNT D'ASSECA.

No. 37.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received July 21.)

(Extract.)

Lisbon, 9th July, 1831.

LATE in the evening of the 6th instant, three of the French ships of war, which had previously kept to the southward on the coast of Algarve, came to anchor in Cascaes Bay, and were followed the next morning by twelve more. A few companies of infantry, some artillery and a squadron of cavalry from Belem and Lisbon, were at once put in motion, to reinforce the garrison of Cascaes, and the head quarters were removed to Cascaes, on the road between the former place and Belem.

The French fleet, in the mean time, has taken up a position in a line between the tower of St. Julian's and the light-house at Cascaes, where they remain in the expectation, to all appearance, of some further arrivals. One or two of the smaller vessels being constantly under weigh, and one of the line-of-battle ships having yesterday quitted the squadron and proceeded with a sloop of war to the westward.

It was not until yesterday, that I had any opportunity of seeing M. de Santarem since the interview in which I communicated to him your Lordship's despatch, on the subject of the pending dispute with France. I observed, I

said to him, that his Government had not thought proper to accede to the advice therein offered to them, and that now I conceived the consequences were so imminent that no further steps would be taken with a pacific view. M. de Santarem told me, that he had drawn up a paper recommending compliance with the French demands, and the immediate release of M. M. Bonhomme and Sauvinet ; but that in the midst of the efforts he was making to effect this desirable purpose, the change, I was aware of, had taken place in the ministry, and though he should still continue his exertions, he did not lead me to hope that he had the slightest expectation of success.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 38.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received July 21.)

(Extract.)

Lisbon, 10th July, 1831.

I HAVE the honour to inform your Lordship, that yesterday about noon, a vessel was perceived standing up the Tagus, bearing the Portuguese flag as a flag of truce, and at about half-past one, P. M., she came to an anchor opposite Belem.

She proved to be the French brig of war *Dragon*, Captain Theodore Delaffre, from the French squadron off Cascaes, charged with a despatch to the Secretary of State for Foreign Affairs, as also with letters for the commander of His Majesty's ships in the Tagus, and all the foreign Consuls resident here, a copy of which I have herewith enclosed.

Owing to some formalities required by the quarantine regulations in this port, a delay of a few hours took place in the delivery of these letters ; the captain nevertheless declared, that his orders were peremptory not to remain more than twenty-four hours at anchor, and consequently that he must depart at the precise hour of his arrival.

I conceived it my duty to detain the packet which would have sailed this morning, in order to give your Lordship the earliest possible information of the result of this new conciliatory step, on the part of the French naval force ; and that the detention might be as short as possible, I addressed the letter of which I have herewith the honour to transmit a copy, to Viscount de Santarem, and at this moment, 3 P. M.. I have received his Excellency's answer, which I take the liberty to send in original, in order that the packet may not lose the tide.

Don Miguel, who was at Queluz, came with all speed to Belem, as soon as he was apprized of the entrance of the French brig of war, and summoned his Ministers to meet him there, he himself giving orders for the brig to be released from quarantine, and sending a boat on board to bring the captain on shore. In the evening a Council of State was held at Queluz, which I understand was very fully attended.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 38.

R. B. Hoppner, Esq. to Viscount Santarem.

Sir,

Lisbon, 10th July, 1831.

I HAVE herewith, the honour to transmit to your Excellency, a copy of the communication made to me yesterday, by the Commander-in-Chief of the French squadron. A similar letter was forwarded through me, to the com-

mander of his Majesty's ships of war in the Tagus, and to all the foreign Consuls, resident in Lisbon.

As I have thought it my duty to detain the packet to day, in order to acquaint my Government with the result of this step of the French Commander-in-Chief, I shall be much obliged to your Excellency for any information as to that point, with which you may think proper to furnish me.

I have the honour to be, &c.

Viscount Santarem,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure 2 in No. 38.

Admiral Roussin to R. B. Hoppner Esq.

Monsieur le Consul,

Suffren, *devant le Tage*, 8 Juillet, 1831.

MON arrivée devant le Tage avec une escadre Française a pour objet de demander au Gouvernement Portugais des réparations pour les dommages causés par lui à plusieurs citoyens Français.

J'espère encore que, cédant à des sentimens d'équité qu'honorent les nations dans leurs rapports réciproques, ces réparations seront accordées, et que le présent débat pourra se terminer promptement.

Mais s'il n'en était pas ainsi, une rupture se trouvant déclarée de fait entre la France et le Portugal, je crois de mon devoir de vous engager, Monsieur le Consul, à en prévenir M. M. vos compatriotes, afin qu'ils prennent les précautions nécessaires pour éviter les effets d'une guerre qui doit leur rester étrangère.

Recevez, Monsieur le Consul, &c.

*Le Contre-Amiral Commandant en chef L'Escadre Française
devant le Tage,* (Signé) BARON ROUSSIN.

P. S. J'ai l'honneur de prier Monsieur le Consul de vouloir bien faire remettre les lettres ci-jointes à M. M. ses Collègues à Lisbonne.

(Signé) LE C^{re}. AMIRAL.

(Translation.)

Sir,

Suffren, *off the Tagus*, 8th July, 1831.

MY arrival off the Tagus with a French squadron, has for its object to demand reparations from the Portuguese Government, for injuries caused by it to several French citizens.

I still hope that, yielding to those sentiments of equity, which are held in honour by nations in their mutual relation, these reparations will be granted, and that the present dispute will speedily terminate.

But, should it be otherwise, a rupture being declared, *de facto*, between France and Portugal, I think it my duty to request you Sir, to apprise your countrymen of the circumstance, in order that they may take such precautions as may be necessary to avoid the effects of a war in which they should not be involved.

Receive Sir, &c.

(Signed) *The Rear-Admiral commanding in Chief the French squadron
off the Tagus,* (Signed) BARON ROUSSIN.

P. S. I have the honour to request you to be pleased to transmit the accompanying letter to your colleagues in Lisbon.

(Signed) The REAR-ADMIRAL.

Enclosure 3 in No. 38.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

*Office of Secretary of State for Foreign Affairs,
10th July, 1831.*

Sir,

THE Government of His Most Faithful Majesty being desirous to prove to the Government of His Britannic Majesty the consideration in which it holds the counsels of the latter, has resolved to direct that Bonhomme and Sauvinet shall be placed at its disposal, to the end that these individuals may be given up to France, while on the other points a negociation will be set on foot through the medium of His Catholic Majesty's Ambassador at Madrid.

For your information, Sir, and in reply to your letter of this day, in which you requested to be made acquainted with the resolution which His Majesty's Government would adopt on the present occasion, I have the honour to send you a Copy of the reply returned to the Note of the French Admiral, hoping that you will communicate it to the Government of His Britannic Majesty, as well as inform My Lord Palmerston, that, independently of the instructions lately transmitted to Viscount d'Asseca, His Majesty's Government is going to answer in detail all the points alluded to in the despatch of that Minister, which was annexed to his Note of the 27th of June ultimo.

God preserve you.

*R. B. Hoppner, Esq.
&c. &c. &c.*

(Signed) VISCOUNT DE SANTAREM.

Enclosure 4 in No. 38.

Viscount de Santarem to Admiral Roussin.—(Translation.)

*Secretary of State's Office for Foreign Affairs,
10th July, 1831.*

Most Excellent Sir,

HAVING laid before the Government of His Most Faithful Majesty the note which your Excellency addressed to me yesterday, I have the honour to declare to your Excellency, that the King my master being solicitous of continuing to afford to France every proof of his earnest desire to put an end to the differences which have arisen with Portugal, has resolved to adopt the advice of the Government of His Britannic Majesty, and to order the giving up of Sauvinet and Bonhomme, the French subjects lately condemned, and also through the medium of the Ambassador of His Catholic Majesty in Paris to treat concerning these matters in a manner conformable with the dignity of the two nations and the independence of Portugal.

I cannot omit informing your Excellency that the disagreements which unhappily have taken place, and the unprovoked hostilities which have been committed notwithstanding the safety and protection which the subjects of France have ever enjoyed from the Portuguese Government, having produced in the nation sentiments suitable to its independence, the Portuguese Government regret that they cannot consent previous to the entire termination of the negotiations, to the entrance of the squadron, so much the less as there subsists no Treaty by which such entrance is permitted, and far less the permanence of the naval forces of France in the ports of these kingdoms.

I avail myself, &c.

(Signed) VISCOUNT DE SANTAREM.

*Admiral Baron Roussin,
&c. &c. &c.*

Certified in the absence of the superior clerk, by
ANTONIO XAVIER D'ABREU CASTELLO.

*Viscount Palmerston to Viscount d'Asseca.**Foreign Office, 11th July, 1831.*

THE undersigned, &c., has the honour to acknowledge the receipt of the letter addressed to him on the 9th instant, by the Viscount d'Asseca; but feels it his duty to state in reply, that the circumstances therein mentioned make no change in the views and opinions of His Majesty's Government, as expressed in the communication addressed by the Undersigned to the Viscount d'Asseca on the 18th ultimo.

Viscount d'Asseca,
&c. &c. &c.

The Undersigned, &c.

(Signed)

PALMERSTON.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received July 27).

(Extract.)

Lisbon, 12th July, 1831.

I HAVE the honour to inform your Lordship that the French squadron commanded by rear-admiral Baron Roussin, yesterday entered the Tagus, and came to an anchor off Belem about five o'clock in the afternoon; the Portuguese ships of war which had been fitted out and were drawn up in a line across the tide for the defence of the city, surrendering without firing a shot.

I understand that no loss of life nor any accident was occasioned on board the French ships by the fire from the forts as they ascended the river, and from all that I have been able to learn the loss, if any, on the part of the Portuguese has been trifling.

Immediately on coming to an anchor, the French admiral sent a flag of truce on shore, and having gone on board this morning, together with the Captains of His Majesty's ships in the Tagus, to pay my respects to him, I learnt that the basis on which he was to negotiate with the Portuguese Government had been agreed upon between them; but I have not been furnished with any further details of their proceedings hitherto.

Yesterday morning, shortly after it was known that the French force was standing up the river, I received the accompanying note from M. de Santarem stating that orders had been given to the Intendant of police to place M. M. de Sauvinet and Bonhomme at my disposal, to which I lost not a moment's time in replying that I was not authorized to receive them, or to interfere in any way in the pending difference between Portugal and France, beyond offering the advice which I had already tendered on the part of His Majesty's Government. Of M. de Santarem's note and of my answer, I have herewith the honour to transmit a translation and copies, as also the copy of a note, which late in the evening I received from the commander-in-chief of the French forces.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 40.

*The Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)**Foreign Office, 11th July, 1831.*

I HAVE the honour to acquaint you that I have just received from the Minister of Justice, a communication, informing me that the necessary orders have been sent to the Intendant General of the Police, to deliver up to you, as soon as you demand them, the individuals Sauvinet and Bonhomme.

God preserve you, &c.

R. B. Hoppner, Esq.

(Signed) VISCOUNT DE SANTAREM.

&c. &c. &c.
 [4.]

Enclosure 2 in No. 40.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir, Lisbon, 11th July, 1831.
 IN reply to your Excellency's note of this morning's date, acquainting me with the notice you have received from the Minister of Justice that orders had been sent to the Intendant of Police to deliver Messrs. Sauvinet and Bonhomme to me, I have the honour to inform your Excellency that I have no instructions from my Government to take charge of these individuals, or in any way to interfere in the difference between this Country and France, beyond tendering the advice of His Majesty's Government, which I have already had the honour to offer in their name. I have the honour to be, &c.
Viscount de Santarem, (Signed) R. B. HOPPNER.
 &c. &c. &c.

Enclosure 3 in No. 40.

Admiral Roussin to R. B. Hoppner, Esq.

Monsieur le Consul, Suffren, ce 11 Juillet, 1831.
 J'AI l'honneur de vous offrir mes services pour réparer les avanies qui auraient pu avoir été occasionnées aux bâtimens de votre nation dans l'action qui vient d'avoir lieu, dans le cas où l'avis que je vous ai donné avant hier ne leur aurait pas suffi pour se retirer.
 Recevez, &c.
 (Signé) BARON ROUSSIN.
Le C. Amiral Commandant en Chef l'Escadre Française.
M. Le Consul d'Angleterre à Lisbonne.

P. S. Après, comme avant, M. le Consul, j'ai l'honneur et je me fais un plaisir de vous prier de vouloir bien être mon intermédiaire pour offrir mes services à MM. vos collègues les Consuls de toutes les nations.
 (Signé) LE B. R.

(Translation.)

Sir, Suffren, 11th July, 1831.
 I HAVE the honour to offer you my services, to repair the damages which may have been occasioned to the vessels of your nation, in the action which has just taken place, in case the notice I sent to you the day before yesterday was not sufficient for them to remove.
 Receive, &c.
 (Signed) BARON ROUSSIN.
The Rear Admiral Commanding in Chief the French squadron.

P. S. Now, as before, Sir, I have the honour, and the pleasure to request you to be pleased to be my agent, in offering my services to your colleagues the consuls of all the nations.
 (Signed) B. R.

No. 41.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 15.)

My Lord, Lisbon, 16th July, 1831.
 I HAVE the honour to transmit herewith to your Lordship a printed copy and translation of the Supplement to the Lisbon Gazette of yesterday's date, in reference to the claims and satisfaction afforded to the French Government

by that of Portugal, in consequence of their recent hostile proceedings, as also of two decrees which have appeared in the Gazette of this day relative to the restitution of the Portuguese vessels, captured previous to the actual commencement of hostilities. The convention by which these claims were arranged was concluded on the 14th instant. Some doubt existing as to the restitution of the Portuguese squadron captured in the Tagus, and upon one or two other minor points, these questions are understood to have been referred for the decision of the French Government; and until their definitive answer shall have been received a portion of the French squadron will remain at Cascaes (the ships from Toulon returning immediately to that station), a measure which has been adopted in compliance with the wishes of the Portuguese Government, and in order to put an end to that excitement which the presence of the fleet occasioned in the capital.

Since I had the honour of addressing your Lordship on Tuesday last, no further overt act of hostility occurred between the French squadron and the Portuguese. While the negotiations were carried on which followed the flag of truce, sent in by the French Admiral immediately on bringing his ships to an anchor, every thing in Lisbon continued in a state of confusion bordering upon one of anarchy. Business of every description was at a stand, and the town was left to the mercy of an exasperated military police, and a lawless set of ruffians, who, under the pretence of attachment to their Government, conducted themselves with a disgraceful and unheard of barbarity. During the last few days, several lives have been sacrificed from the wanton cruelty of these men; a considerable number of persons have been thrown into prison, some after being unmercifully beaten in the streets; and many others, whose opinions were supposed not to be in accordance with those of the Government, have been under the necessity of concealing themselves, in order to escape the violence of the predominating party. Great dismay prevails even now among the more moderate of Don Miguel's adherents, and throughout the party opposed to him, in consequence of the threats of vengeance that are poured forth by the so called royalists, and it is feared (and from experience of the past not without some degree of reason) that the departure of the French will be followed by the persecution of all who are disaffected to the present system.

The British residents are not exempt from their share of the ill will at present existing here against foreigners: yet I have hitherto received but one complaint of a personal attack upon any of His Majesty's subjects. Although I consider it my duty to submit this to the Portuguese Government, the individual in question having, according to his statement, suffered from an unprovoked attack, I cannot but deem him guilty of imprudence in unnecessarily exposing himself to danger at a moment of well known and general excitement. It is hardly to be expected that, under similar circumstances, the best organized Government could be answerable for every act of insubordination committed by its agents: but my complaint will be directed against the employment of a force not subjected to any kind of discipline, and which, while it is not recognized by the laws of the country, is the more reprehensible, as the individuals comprising it act as if they knew and felt that they are placed above their control.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure in No. 41.

Supplement to the Lisbon Gazette.—(Translation.)

15th July, 1831.

THE French Government having made upon His Most Faithful Majesty's Government the demand below transcribed, His Majesty's Government, in

order to avoid the fatal disasters which might result from the late occurrences of the 11th instant, acquiesced in them after a negociation.

1st, The immediate liberation of M. Bonhomme, and the repeal (by a special act of re-qualification) of the sentence pronounced against him, and executed in its ignominious part ; no attention having been paid to the protests of His Majesty's Consul in Lisbon, wherein he declared that he considered it as an insult offered to France in the person of one of the citizens.

2d, The dismissal of the Judges who pronounced the sentence, and the official publication of the act of re-qualification, by which it is to be annulled.

3d, A compensation of 20,000 francs to M. Bonhomme.

4th, The immediate liberation of M. Sauvinet, who, contrary to the laws of the kingdom, was declared a naturalized Portuguese, and condemned by the Extraordinary Commission of Lisbon (although it had been declared incompetent) to ten years' transportation to Africa, in virtue of a sentence, the terms of which show, that no crime was proved against him.

5th, A compensation of 6,000 francs to M. Gamby, another of 3,000 to M. Dupont, arbitrarily imprisoned in Lisbon for the space of one year, and both ultimately expelled from Portugal, in virtue of a sentence, in which nothing was proved against them.

6th, A compensation of 6,000 francs, previously claimed by M. Cassas, the French Consul, in favour of M. Dubois, for the injuries he sustained by an unjust imprisonment in the Lisbon gaol.

7th, A compensation to be guaranteed to M. Vallon, who suffered an arbitrary imprisonment of twenty-seven months in the gaol at Lisbon, to which he attributed the loss of 20,000 francs, to his business during his absence ;—the amount to be definitively fixed according to the result of inquiries to be made in Lisbon.

8th. A compensation of 20,000 francs to those French subjects who remained in Lisbon, after the departure of the French Consul, and who may have sustained any injury in their persons or property.

9th, The promise of a strict observance in future of the French privilege of not being arrested but by an order from the Judge Conservator of those privileged nations, who have not an exclusive Conservator.

10th. The dismissal of the Intendant General of Police.

11th. The reversal of sentences pronounced against Frenchmen for political crimes during the last two years.

12th. 800,000 francs to indemnify the French Government for the expences of the expedition, which became necessary in consequence of the non-compliance of the Portuguese Government with the original demands.

13th. The publication in the Lisbon Official Gazette, of the demands of France, and of the compliance of the Portuguese Government with them.

14th, The payment of a sum to be determined between the two Governments, and guaranteed by that of Portugal, to indemnify the French commerce for the injuries it may have sustained by letters of marque under the Portuguese flag, or by the increased rate of premium on maritime insurances, occasioned by that or any other cause.

DECREES.

1. I am pleased, at the instance of the French Government, to dismiss from the office of Judges, which they occupied,—the Judges of the court of requests, Francisco Antonio de Castro, Bernardo Carneiro Vieira de Souza Leite. Manoel Joaquim Barboza, and Antonio da Fonseca Lobo, and the Judges of the Supreme Court of Justice at Oporto, who also have authority in the said Court of Requests, João Luiz Monteiro de Carvalho e Oliveira, and Francisco Pinto Coelho de Castro, who pronounced the sentence of condemnation against Edmond Potentin Bonhomme. Let it be thus understood

and executed by the Judge who acts as Chancellor and President of the Court of Requests.

Palace of Queluz, 14th July, 1831.

With the signature of the King our Lord.

2. I am pleased, at the instance of the French Government, to annul the sentence of condemnation pronounced against Edmond Potentin Bonhomme, that it may remain without effect in or out of Court, as if it had never been pronounced.

Let it be thus understood, &c.

(Same date and signature, as above.)

3. For motives, just and worthy of my Royal consideration, I am pleased to exonerate Antonio Germano de Veiga from the post of Intendant-General of the Police of the Court and Kingdom.

Let it be thus understood and executed by the Count de Bastos, Councillor of State, and my Minister for the same Department.

(Date and signature as before.)

4. I am pleased, at the instance of the French Government, to annul all sentences pronounced against Frenchmen for political crimes, by the Supreme Court at Oporto, from two years past, up to the present date.

Let it be so understood, &c. by the President of that Court.

(Same date and signature)

5. I am pleased to annul, at the instance of the French Government, all sentences pronounced against Frenchmen, in prosecutions for political crimes, by the Court of Requests, for the last two years up to the present date.

Let it be thus understood and executed by the Judge who acts as Chancellor and President of that Court.

(Date and signature as before.)

Decrees officially published in the Lisbon Gazette of the 16th July, 1831.—

(Translation.)

To the Minister of Marine.

Most illustrious and Excellent Sir, *Foreign Office, 15th July, 1831.*

IT having been agreed upon in the XVIIIth Article of the Convention concluded on the 14th instant with the Admiral of the French squadron at anchor in the Tagus, that the vessels of war *Orestes* and *Urania* captured by the French squadron, and now in the port of Brest, should be restored with all their effects, I have the honour to communicate the same to your Excellency in order that your Excellency may take the necessary steps accordingly.

God preserve your Excellency.

(Signed)

VISCOUNT DE SANTAREM.

His Excellency Count de Basto.

To the Royal Board of Trade.

Palace of Queluz, 15th July, 1831.

Most illustrious and excellent Sir,

IT having been agreed upon in the XVIIIth Article of the Convention concluded on the 14th instant with the Admiral of the French squadron at anchor in the Tagus, that the Portuguese merchant vessels, which were captured and conveyed to France, should be restored, with their respective cargoes: the King our Lord is pleased to ordain, that the Royal Board of Trade shall thus publish it, in order that the parties interested may cause them to be brought

back from Brest, where they now are, to such place as may be convenient; which your Excellency will make known to the Board.

God preserve your Excellency.

(Signed)

VISCOUNT DE SANTAREM.

To the Marquis the Lord High Steward.

No. 42.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 5.)

Extract.)

Lisbon, 16th July, 1831:

BY the two decrees which I have the honour to transmit to your Lordship in my other despatch of this day's date, your Lordship will perceive that the agreement or convention concluded between the French Admiral and the Portuguese Government, contains several articles which have not here been made public, reference being made in them to the 18th article while only 14 are inserted in the supplement to the Gazette. Of the nature of these other articles, we are therefore for the present left in utter ignorance, as well as of the form in which the agreement itself was drawn up, the persons by whom it was signed and the notification necessary to confirm its validity.

I have the honour to be, &c.

Viscount de Santarem,
&c. &c. &c.

R. B. HOPPNER.

No. 43.

Vicomte d'Asseca to Viscount Palmerston.

M. le Vicomte,

Londres, ce 21 Juillet, 1831.

J'AI l'honneur de transmettre à votre Excellence la copie de la dépêche de mon Gouvernement, dont j'ai eu l'honneur de lui répéter verbalement la substance.

Mon Gouvernement ayant eu connaissance de votre dépêche à Mr. Hoppner, a tâché de détruire quelques fausses impressions qui peuvent exister sur la manière d'agir dans la question actuelle entre lui et le Gouvernement Français, en exposant les circonstances qui ont précédé et accompagné les réclamations de M. Cassas, dont les rapports, sans doute, auront induit en erreur le Gouvernement Français sur cette affaire, qui vient de s'aggraver par les actes commis par l'escadre Française devant le Tage.

J'espère que les fondemens solides de cette pièce mériteront l'attention de votre Excellence, que je prie de vouloir bien me permettre de lui faire passer la copie en Portugais, ce que je fais uniquement dans la crainte d'en altérer le sens par une traduction.

Je profite de cette occasion, &c.

Vicomte Palmerston,
&c. &c. &c.

(Signé)

VICOMTE D'ASSECA.

(Translation.)

My Lord,

London, 21st July, 1831.

I HAVE the honour to transmit to your Excellency the copy of a despatch from my Government, the substance of which I have already had the honour of communicating verbally to you.

My Government, having been made acquainted with the contents of your despatch to Mr. Hoppner, has endeavoured to dissipate any false impressions which may exist as to the line of conduct to be pursued upon the question now at issue between it and the Government of France, by fully stating the circumstances which preceded and accompanied the demands of M. Cassas whose reports have doubtless led the French Government into error in this affair, an error rendered more serious by the acts committed by the French squadron off the Tagus.

I trust that the solid reasoning of this document will merit the attention of your Excellency, and I request you will be so kind as to permit me to send you the copy in Portuguese, which I do solely through the fear of altering the sense by a translation.

I avail myself, &c.
(Signed) VISCOUNT D'ASSECA.
Viscount Palmerston,
&c. &c. &c.

Enclosure in No. 43.

The Viscount de Santarem to the Viscount d'Asseca.—(Translation.)

Most Illustrious and Most Excellent Sir,

WITH your Excellency's despatch, No. 239, I received a copy of the answer which Lord Palmerston gave to the note which your Excellency addressed to him in compliance with your instructions, and which was dated the 7th instant, requesting the mediation of the British Government in the unpleasant disputes of France with us. I received at the same time from Mr. Hoppner the communication (of which I have enclosed you a copy) of a despatch from the British Minister, which in substance is the same with the reply given to your Excellency.

Previous to informing your Excellency of His Majesty's resolutions concerning that communication, I am under the necessity of going back to what antecedently took place with France, in order to place this unpleasant business in its proper light.

The conduct of the Government of His Majesty, before the arrival of the French squadron in the mouth of the Tagus, was not only distinguished by the most uncommon prudence, and conformable with international courtesy, but also remarkable for that delicacy required by the relative situation of Portugal with France.

Though there does not subsist any commercial Treaty with France, and though very important articles produced and manufactured in France, is admitted solely in virtue of an Alvará, which was maintained by a subsequent legislation resting on an authority that was abrogated and adjudged null and void by a Resolution taken in Cortes by the three estates of the kingdom on the 11th June, 1828, yet has the Government of His Majesty continued to observe the provisions of the Alvará in question, to the most signal advantage of France.

As soon as the Portuguese Government were informed last August of the events in France, and of the change effected in that country, they not only sent circular orders to all the territorial authorities, but ordered even those residing in France, to notify that the commercial relations would continue to subsist between Portugal and France without any alteration, and that the new flag would be freely admitted into the ports of these kingdoms and their dependencies.

When, by an occurrence which has also happened in several parts of Europe, a pilot at the bar of Vianna do Minho refused to conduct the *Bressane*, French brig, into that port, he was ordered to be severely punished.

M. Cassas, who till then, had been sent to succeed M. Blanchet, without any commission, and was only tolerated from mere delicacy of the Government of His Majesty towards that of France, for fear of giving occasion to doubts which might have affected its commercial relations, or have been construed as a want of courtesy, though the law of nations, and common usage, required a commission, continued to be treated with the same delicacy. Still, however, I immediately declared to him verbally, in an interview which he had with me, that His Majesty's Government would continue to receive his communications only on subjects exclusively commercial. But M. Cassas, in spite of these intimations, which shewed our delicacy, and which he more than once himself acknowledged, took occasion to make to His Majesty's Government representations on an infinite number of subjects concerning the internal administration of the kingdom, and on political topics; representations, which, apart from his

incompetency, were couched in terms injurious and offensive, that made them not only inadmissible, but also induced the Government, which has an undoubted right to maintain its dignity, to have recourse to remedies authorised by the law of nations, even in the case of functionaries of a much higher diplomatic rank, and far more with regard to a person who, even if he had exercised his functions under a Commission, was, according to the general law of nations, subject to the laws of the country, without partaking, by right, of any immunity.

Notwithstanding a conduct so unheard of, His Majesty's Government, with the greatest prudence and generosity, adopted the discreet method of dissembling, and of not taking any the least step in consequence of these irregular communications. The Government of His Majesty possess numerous proofs of what I have just been asserting, proofs which would convince the British Cabinet and all Europe of its circumspection.

His Majesty's Government entertains not the least doubt that the British Government is too good a judge not to acknowledge that every foreign functionary, let his rank be ever so elevated, exercises a peaceful office with the Power to which he is accredited, insomuch, that, from the moment when he begins to employ all means for degrading that Power, for offending it, and attacking, deliberately, and without competence, the sovereignty vested with authority in the country to which he is accredited, and its religious, civil, and criminal institutions, he ceases not only to fulfil the most important end of international relations, but also offends the most solid and generally received principles which all nations in common have ever revered and upheld, in order to preserve, reciprocally, their dignity and independence.

But, notwithstanding these ill-judged and extraordinary communications of M. Cassas, in which he attacked the Judges, their intentions, and sentences, the courts of justice, and the ministers of religion, in the exercise of their functions, independent of the administration, His Majesty's Government refrained, during the six months that the individual alluded to thus exceeded his duties, from taking any decisive step, giving by this proceeding the most decisive proof of its moderation and forbearance.

At length, on the 11th of last February, Monsieur Cassas addressed to me the protest, of which I sent your Excellency a copy, wherein he manifestly attacked all principles, offended every decorum, and trampled under foot all rules of international correspondence. In this situation, His Majesty's Government could not help checking him by a note divested of official forms, because His Majesty's Government never lost sight of the principle which it had laid down of not acknowledging him as lawfully qualified to transact affairs unconnected with the consular functions.

From what I have stated to Your Excellency, you will easily be able to convince Lord Palmerston of the truth of what passed during the discussions to which that minister alludes.

But, in regard to the supposition which it has been attempted to entertain, that His Majesty's Government had communicated with Monsieur Cassas during any time of his residence at Lisbon on commercial subjects as well as political, your Excellency is authorized to declare in the most formal and most positive manner to the Government of His Britannic Majesty, that ever since the interruption of the diplomatic relations with France, His Majesty's Government has neither with its accredited consular agent, Mr. Blanchet, nor much less with Monsieur Cassas, discussed any subjects of a political nature properly so called.

As, therefore, that individual was not accredited by his Government with any commission communicated to the Portuguese Government, and was under circumstances very different from those of other consuls, who had all of them their formal commissions and patents according to the old established rule; the Government of His Majesty judged on the most solid grounds, that Monsieur Cassas possessed no competency to treat of any affair involving the contingency of a rupture which subsequently took place. The sincerity of this decision of the Government of His Majesty appears from the above-mentioned

motives, and it hopes, that the Government of His Britannic Majesty will do it the justice to admit, that acting on the indisputable incompetency of Monsieur Cassas, it could never think of compelling the French Government to acknowledge His Most Faithful Majesty, and to make the acknowledgment a preliminary condition for receiving the representation. That the Portuguese Government could not possibly entertain such a notion, will be manifest to the British Minister for Foreign Affairs. Nor could it harbour any wish to offer a gratuitous affront to France, a Power to which it had given so many proofs of consideration and courtesy.

The purpose of that answer, in addition to the motives just mentioned, was also that of displaying to France, through the medium of other impartial Powers, our reason and justice.

The Government of His Majesty could not but anticipate, from the extremity to which Monsieur Cassas had carried this affair, from the incorrect information which he had conveyed to his Government, and from the pretexts he had invented, that the demands of France would not rest there, in spite of all the explanations which we, through the ministers of neutral Powers, or of mediators, did not fail to afford her; and His Majesty's Government imagined that France would, insist on part of her pretensions, but never that she would actually resort to hostilities so contrary to those put in practice by civilized nations.

His Majesty's Government on the 2d of last April, before it gave the above answer to Mr. Cassas, addressed itself to that of His Catholic Majesty, requesting that cabinet and its Allies to impress France with the justice with which Portugal had proceeded, and to give to that power such explanations as should be suitable to the dignity and independence of the former.

The demands were notwithstanding repeated, without however, announcing any reprisals, and the French Commander, in the note which he addressed to me, and of which I sent your Excellency a copy, employed terms the most vague, concluding:—"Je dois également ajouter ici de la manière la plus expresse, que si, dans un délai de 48 heures, les satisfactions dont il s'agit, n'ont pas été formellement et complètement accordées, il ne me restera qu'à exécuter les ordres qui m'ont été donnés par mon Gouvernement."

How can such a declaration be reconciled to the principles of the law of nations? did it peradventure give notice of retorts, reprisals, or formal hostilities? It did no such thing.

The conduct of His Majesty's Government on this occasion, was not only conformable with the negotiations which it had previously directed to be commenced, but also in accordance with its dignity.

From what I have stated, it is incontestable that His Majesty's Government has exhausted all the means which, without the violation of decorum, were in its power, in order to convince France, how unjust Mr. Cassas's demands were, how violent, unusual and inadmissible the mode of making them, and how manifest the disqualification of such an agent to negotiate such an affair, what answer did France return to the explanations of the Conde d'Offalia? None that had any effect on her intentions. An unprovoked aggression, an aggression of an entirely novel species ensued; she made reprisals without giving notice of them. After all that I have set forth, after returning to the French commander a reply, which so far from being a refusal, evidently showed that we had not only been anxious to afford explanations to France in a manner the most decorous, and the most authorised by the law of nations, she goes on to capture not only many more Portuguese properties than would be sufficient in the way of reprisals, but she also takes ships of war belonging to the blockade of the Azores, avowedly for the purpose of formal hostilities against us, while we are pursuing the enemies of Government with an armed force.

When, therefore, the French commander, notwithstanding the reply given him and containing two essential points: first, that as Mr. Cassas could not have been allowed to discuss the matters in question, and as His Majesty's Government had no individual at Paris qualified to do so, it had by means of the Allies of the crown of Portugal negotiated this business; secondly, that

every violent and unprovoked act would not fail to be considered by all nations as an unprovoked act of aggression,—did not yield, but continued to capture our ships, how could he be disposed to yield after receiving the explanations alluded to? It is evident that he would do nothing of the kind.

The Government of His Majesty was not remiss, previous to the departure of Mr. Cassas, in devising the means of affording to the French Government the necessary explanations by some agent in Paris, but General Sebastiani, as is known to His Majesty's Government, having received from the Spanish Ambassador, in Paris, the proposal of listening to the explanations of that agent, declared to that Ambassador, that he would take the advice of ministers as to whether or not he ought to admit him. But the proposal of the Spanish Ambassador had, it would appear, no result whatever.

The Government of His Majesty authorizes your Excellency to signify to Lord Palmerston how much it appreciates the expression of the interest which the British Government takes in Portugal, an interest so consonant to an alliance of whose long duration, political history offers no other example, and at the same time to impress his Lordship with the fact that the Portuguese administration neither gave any offence to France, nor involved its country in this unpleasant contest.

Lord Palmerston avows that Great Britain recognizes all the obligations imposed on her by the Treaties subsisting with Portugal, and which were neither abrogated nor suspended by the interruption of the diplomatic relations, adding that nevertheless the British Government could not admit that the good faith of these Treaties oblige her blindly to espouse an unjust dispute, in which Portugal had implicated herself, or defend the justice or injustice against any whom she chose to affront.

Such a policy is doubtless very provident, and in conformity with reason, in cases in which Portugal might gratuitously and capriciously have involved herself in such an unjust feud; but the present disagreement with France leaves so little room for the application of this principle, that, on the contrary, the facts of the case, and my preceding observations, shew that we did not provoke the contest.

His Majesty, however, had determined out of consideration for the counsels of the British Cabinet, to cause to be given up the Frenchmen referred to, when an act of the most violent hostility committed to-day by the French squadron, whose ships approaching the guns of Cascaes, cut the cables and captured the *Lord Wellington* Portuguese galley, and fired upon and fought with the fortress of Cascaes, which act, not to take into account other circumstances, is a manifest attack upon the Portuguese territory, obliged His Majesty to order once more these matters to be referred to the council of his Ministers.

But I will not delay this despatch till enabled to transmit to your Excellency the further instructions of His Majesty, as well on the case in hand as on the explanations and the analysis of the French demands.

Your Excellency is fully empowered to offer again to the consideration of the British Government, relatively to those extraordinary demands, what I enclosed to your Excellency in the document annexed to my despatch, No. 377 of this series.

God preserve your Excellency.

(Signed)

VISCOUNT DE SANTAREM.

Viscount d'Asseca,
 &c. &c. &c.

No. 44.

Viscount Granville to Viscount Palmerston.—(Received July 25.)

(Extract.)

Paris, 22d July, 1881.

I HAVE received your Lordship's despatch, No. 95, enclosing copies of despatches from Mr. Hoppner, in one of which an account is given of a Por-

Portuguese Merchant vessel having been captured near the Fort of Cascaes, after the guns of that fort had been silenced by the fire of a French ship of the line.

As this capture was effected by measures of more decided hostility than had before been employed in the detention of Portuguese ships, of which possession had been taken by the French cruizers, I was induced this morning to question, more particularly, Count Sebastiani, as to the instructions which were to regulate the conduct of the Admiral commanding the French squadron on the coast of Portugal. I learnt from the French Minister, that after the assembling of the whole fleet at the mouth of the Tagus, some little time would be afforded for the Government of Don Miguel, to signify their willingness to give the satisfaction required by the French Government, that, if no communication of that nature was received, the French fleet would force their entrance into the river, and take up a position near the city of Lisbon; that a pause would be afforded to the Portuguese Government to accede to the conditions demanded by France, and to concert with the commander of the British naval force, and with His Majesty's Consul at Lisbon, the means of protecting the British property, in case the obstinacy of Don Miguel should necessitate the having recourse to further measures of hostility.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

GRANVILLE.

No. 45.

The Vicomte d'Asseca to Viscount Palmerston.

Monsieur le Vicomte,

Londres, 23 Juillet, 1831.

J'AI l'honneur de transmettre ci-jointe à Votre Excellence, par ordre de mon Gouvernement, une copie à la lettre de l'écrit que M. L'Amiral Baron Roussin, Commandant de l'escadre Française devant le Tage, a adressé le 8 de ce mois à Son Excellence le Vicomte de Santarem, Ministre des Affaires Etrangères de Sa Majesté Très Fidèle.

Après les actes d'hostilité non provoqués que le Gouvernement Français n'a cessé depuis trois mois de commettre contre le pavillon Portugais, en saisissant indistinctement, à titre de représailles pour des prétendus griefs, en forme très exagérés mais dans le fond très futiles et très douteux, tous nos bâtimens trouvés sur mer, qui ne pouvaient se défendre, appartenans soit à l'état, soit à la marine marchande : après ces représailles réitérées, que la seule manifestation faite par le Portugal de vouloir user de son droit pour contester la gravité et l'existence réelle des torts avancés contre lui ne pouvait justifier, et que, ne pouvait non plus justifier la réponse adressée à M. Le Capitaine de Vaisseau de Rabaudy, où le Gouvernement Portugais, témoignant un esprit de vraie conciliation, et plein de confiance dans l'impartiel jugement de l'Angleterre, en appelait à sa médiation bienveillante, cas prévu spécialement par les Traités existans entre les deux pays : après que le Gouvernement Portugais, loin de vouloir donner à la France aucun nouveau sujet de plainte ni de provocation, et bien loin encore de se refuser à lui faire les réparations que le Gouvernement de Sa Majesté Britannique aurait trouvées justes et raisonnables, et par conséquent compatibles avec l'indépendance et l'honneur du Portugal, s'était montré prêt à traiter et à tout arranger par l'entremise de l'Angleterre, dont j'avais d'avance réclamé instamment et itérativement les bons offices, dans les entretiens que Votre Excellence avait bien voulu m'accorder, et ensuite dans les communications par écrit que je vous ai adressées, M. Le Vicomte, en vertu des injonctions positives de ma Cour : après toutes ces circonstances, le Gouvernement Portugais ne pouvait certainement pas s'attendre aux nouvelles demandes de la France, articulées dans l'intimation de M. Le Baron Roussin, plus dures et péremptoires, plus

étendues et impérieuses, et encore beaucoup plus humiliantes pour le Portugal que les réclamations antérieures, et que le dernier paragraphe de la lettre de l'Amiral, appuyée sur la force menaçante qu'il commande, rendent infiniment plus graves.

Le Gouvernement Portugais, mû néanmoins par le désir le plus sincère et le plus vif de concourir pour sa part à mettre un terme conciliant à ces contestations, n'a pas hésité à faire au susdit Amiral la réponse dont Votre Excellence trouvera ci-jointe copie du texte original avec la traduction Française. Votre Excellence y verra que le Portugal, quoique cruellement vexé, et réduit par l'imminence du danger à l'extrémité de songer à sa légitime défense en cas d'agression de l'escadre Française, a fait preuve en cette occasion de sagesse, de modération, et de son respect même pour la France, et s'est surtout montré fidèle aux principes et aux engagements solennels qui lient le Portugal à l'Angleterre, en adhérant avec empressement aux insinuations et aux conseils qui sont explicitement énoncés dans l'office que votre Excellence voulut bien m'adresser en date du 18 du mois dernier, par la mise en liberté des deux Français détenus à Lisbonne, et par la prompte disposition de Sa Majesté Très Fidèle à se prêter, sur les autres points, à faire tout ce qui soit juste et raisonnable, d'après l'indication de Votre Excellence consignée dans l'office susdit, en traitant avec le Gouvernement Français par l'organe de Monsieur l'Ambassadeur d'Espagne à Paris.

Il est à espérer, M. Le Vicomte, que l'Amiral Français aura reconnu, dans la réponse de ma Cour, les vues conciliantes et amicales dont elle est animée, et qu'il n'aura pas poussé plus en avant ni ses menaces ni ses hostilités contre notre territoire, et de même j'ose croire que son Gouvernement ne se refusera pas, moyennant vos bons offices, qu'en acquit de mon devoir je sollicite de nouveau et d'une manière pressante, à consentir à l'arrangement de nos différends d'après les principes de droit et d'équité établis dans votre office susmentionné du 18 Juin, qui pourraient servir de base pour concilier honorablement les points en contestation.

Cependant si par malheur il en advenait autrement ; si le Gouvernement Français rejetait nos vœux concilians et nos dispositions à le satisfaire en tout ce qui est juste et raisonnable, et qui ne compromettrait pas notre honneur ; et enfin s'il persistait à nous faire la guerre à outrance, dont son Amiral nous menace, le Portugal, exposé aux calamités de l'agression la plus injuste comme la plus tyrannique d'un ennemi puissant, serait en plein droit, et s'empresserait, d'avoir recours à son intime et plus fidèle Allié, et d'en requérir l'assistance, en vertu des stipulations formelles et réciproquement obligatoires de ces mêmes Traités, dont l'Angleterre vient à peine d'exiger et d'obtenir elle-même l'entière exécution des conditions à son avantage, et qu'elle a solennellement déclarés être en toute force et vigueur, sans qu'aucun circonstance relativement à l'ordre actuellement établi en Portugal soit de nature à délier Sa Majesté Britannique des obligations précises envers le susdit Royaume, que la Grande Bretagne s'est imposée elle-même par ces Traités. Ainsi le Portugal apprendrait encore à connaître par une heureuse expérience, ce que valent la foi et les garanties de la nation Anglaise depuis tant de siècles engagées en sa faveur.

Je profite de cette occasion, &c.

Viscount Palmerston,

(Signé)

VISCOMTE D'ASSECA.

Translation.

My Lord,

London, 23d July, 1831.

BY orders from my Government, I have the honour to transmit to your Excellency herewith a literal copy of the note of which Admiral Baron Roussin, commander of the French squadron off the Tagus, addressed on the 8th instant to his Excellency Viscount de Santarem, Minister for Foreign Affairs to His Most Faithful Majesty.

After the acts of unprovoked hostility which the French Government has for three months past, not ceased to commit against the Portuguese flag, by

seizing indiscriminately, under the denomination of reprisals for pretended grievances, much exaggerated in form, but very futile and doubtful in reality, all the vessels found at sea, which could not defend themselves, whether belonging to the state, or to the merchant navy. After these repeated reprisals which could not be justified by the mere manifestation made by Portugal of her intention to make use of her right, in order to contest the magnitude and the actual existence of the wrongs laid to her charge, and which cannot either be justified by the answer addressed to Captain Rabaudy, in which the Portuguese Government, evincing a spirit of true conciliation, and full of confidence in the impartial judgment of England, appealed in this matter to her kind mediation; a case especially foreseen by the Treaties existing between the two countries: after the Portuguese Government, far from wishing to give to France any new subject of complaint or provocation, and very far likewise from refusing to make to her such reparations as the Government of His Britannic Majesty should have found just and reasonable, and consequently compatible with the independence and honour of Portugal, had shewn itself ready to treat and to arrange every thing through the mediation of England, whose good offices I had previously, urgently and repeatedly claimed in the interviews, which your Excellency had been pleased to accord to me, and subsequently in the written communications which I addressed to you, my Lord, in accordance with the positive injunctions of my Court; after all these circumstances the Portuguese Government could certainly not be prepared for the new demands of France, specified in the communication of Baron Roussin, demands more harsh and peremptory, more extensive and imperious, and much more humiliating for Portugal than the previous ones, and which the last paragraph of the Admiral's letter, relying on the menacing force which he commands, renders infinitely more serious.

The Portuguese Government, moved, nevertheless, by the most sincere and lively desire to contribute on its part, towards putting an end to these disputes, did not hesitate to address to the above-mentioned Admiral the answer, a copy of the original text of which your Excellency will find herewith annexed, together with a French translation. From it your Excellency will perceive that Portugal, although cruelly harrassed, and reduced by the imminence of the danger to the extremity of thinking about her legitimate defence, in case of the aggression of the French squadron, gave proof on this occasion of wisdom and moderation, and even of her respect for France, and above all shewed herself true to the principles and solemn engagements which bind her to England, by adopting with eagerness the suggestions and counsels which are explicitly stated in the official note which your Excellency was pleased to address to me, under date of the 18th of last month, by the liberation of the two Frenchmen detained at Lisbon, and by the ready disposition of His Most Faithful Majesty to do with respect to the other points, every thing that is just and reasonable, according to the suggestions of your Excellency, contained in the above-named official note, by treating with the French Government, through the medium of the Ambassador of Spain at Paris.

It is to be hoped, my Lord, that the French Admiral will have recognized in the answer of my court, the conciliatory and friendly views with which it is animated, and that he will not have proceeded further with his menaces or hostilities against our territory; and I likewise venture to believe, that his Government will not refuse, through your good offices, which, in performance of my duty, I again, and in the most urgent manner, solicit, to consent to an arrangement of our differences, according to the principles of law and equity, laid down in your above-mentioned note of the 18th June, which might serve as a basis to reconcile honourably the points in dispute.

If, however, it should unfortunately turn out otherwise; if the French Government should reject our conciliatory wishes, and our desire to satisfy it in all that is just and reasonable, and which would not compromise our honour; if, in short, it should persist in waging upon us war to the uttermost as threatened by its Admiral, Portugal exposed to the calamities of a most unjust as well as

tyrannical aggression of a powerful enemy, would be perfectly justified, and would hasten to have recourse to her most intimate and faithful Ally, and to require assistance from it, in virtue of the formal and reciprocally binding stipulations of those same Treaties of which England has so lately herself demanded and obtained the entire execution, as far as regards the conditions favourable to herself, and which she has solemnly declared to be in full force and vigour, without any circumstance relative to the order of things actually established in Portugal being of such a nature as to free His Britannic Majesty from the precise obligations towards the above-named kingdom, which Great Britain has imposed upon herself by those Treaties. Thus Portugal would learn again to appreciate by a happy experience, the value of the faith and guaranty of the English nation, which has for so many ages been exerted in her behalf.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) VISCOUNT D'ASSECA.

Enclosure in No. 45.

Baron Roussin to Viscount de Santarem.

Devant le Tage, à bord du vaisseau le Suffren,

Le 8 Juillet, 1831.

M. le Vicomte,

LES réclamations reiterées de M. le Consul de France, et la note remise le 16 Mai à votre Excellence par M. le Capitaine de Vaisseau de Rabaudy, ont dû lui expliquer suffisamment les motifs qui m'amènent devant Lisbonne. Et de plus, le refus qui a été fait de les accorder, ayant mis le Gouvernement Français dans la nécessité de les appuyer par un armement dispendieux, j'ai l'ordre d'ajouter à ces premières réclamations, les demandes suivantes.

1°. La destitution du chef de la police du Royaume. 2°. L'annulation de tous les jugemens prononcés contre des Français pour des motifs politiques. 3°. Huit cents mille francs pour indemniser le Gouvernement Français de l'expédition, que le refus du Gouvernement Portugais d'adhérer à nos premières demande, a rendu nécessaire. 4°. L'insertion dans la Gazette Officielle des demandes de la France et de leur acceptation par le Gouvernement Portugais, et l'affiche de ces mêmes faits dans les rues où le Sieur Bonhomme a été ignominieusement promené. Telles sont M. le Vicomte les réparations que je suis chargé d'exiger du Gouvernement Portugais. Si votre Excellence me fait immédiatement connaître qu'il est disposé à traiter sur ces bases, et que mon escadre sera reçue dans des dispositions pacifiques, le présent débat peut se terminer sur-le-champ. Dans le cas contraire, la guerre se trouvant déclarée de fait entre la France et le Portugal, toutes les conséquences qu'elle entraîne peuvent être prévues. Je prie votre Excellence de ne pas différer sa réponse de plus de 24 heures, et de recevoir, &c.

(Signé) BARON ROUSSIN.

Son Excellence M. le Vicomte de Santarem.

Conforme, VICOMTE D'ASSECA.

(Translation.)

*On board the Ship Suffren, off the Tagus,
8th July, 1831.*

Viscount,

THE repeated demands of the Consul of France, and the note sent on the 16th May to your Excellency, by the Captain of the Navy, De Rabaudy,

ought sufficiently to have explained to you the motives for my appearance before Lisbon. And moreover, the refusal given to accede to them having compelled the French Government to support them by an expensive armament, I have the order to add the following to the first demands :—

1st. The dismissal of the chief of the Police of the kingdom. 2d. The repeal of all the sentences pronounced against the French for political motives. 3d. Eight hundred thousand francs to indemnify the French Government for the expedition rendered necessary by the refusal of the Government of Portugal to comply with our first demands. 4th. The insertion in the official Gazette of the demands of France, and of their acceptance by the Government of Portugal, and the publication, by placard, of these facts in the streets where the *Sieur Bonhomme* was ignominiously paraded. These, Viscount, are the reparations which I am charged to demand from the Portuguese Government. If your Excellency should immediately inform me that you are disposed to treat on these bases, and that my squadron will be received pacifically, the present dispute may instantly terminate. In the contrary case, war being *de facto* declared between France and Portugal, all the consequences that will follow it may be foreseen. I beg your Excellency not to defer your reply more than twenty-four hours, and to receive, &c.

Viscount de Santarem,
&c. &c. &c.

(Signed)

BARON ROUSSIN!

Enclosure 2 in No. 45.

Viscount de Santarem to Baron Roussin.—(Translation.)

Most Excellent Sir,

Foreign Office, 9th July, 1831.

HAVING laid before the Government of His Most Faithful Majesty, the despatch which you addressed to me, dated yesterday, I have the honour to declare to your Excellency that the King, my master, desirous of continuing to give to France every demonstration of his anxious desire to terminate the differences which have arisen between the two countries, has resolved to adopt the advice of the Government of His Britannic Majesty, by setting at liberty the two French subjects *Bonhomme* and *Sauvinet*, and to treat about the other matters through the medium of the Ambassador of His Catholic Majesty at Paris, in a manner conformable with the dignity of the two countries, and the independence of Portugal.

I cannot refrain from informing your Excellency, that the differences which have unhappily existed, and the unprovoked hostilities which have taken place (notwithstanding the protection given by the Portuguese Government to French subjects in their persons and properties) have produced, throughout the nation, sentiments worthy of its independence.

The Portuguese Government is very sorry not to be able to permit the entry of the French squadron into the Tagus before the negotiations be completely concluded, more particularly as no Treaty is in existence, permitting the French naval forces to enter, and still less to be stationed in the ports of the Kingdom.

I avail myself, &c.

(Signed)

VISCOUNT SANTAREM.

A true Copy. *Viscount d'Assoca,*
&c. &c. &c.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 18.)

(Extract.)

Lisbon, 23rd July, 1831.

NOTWITHSTANDING the expectations that were entertained here by the Government, and held out by the French admiral that he would immediately send back part of his force to France, and remove with the remainder to Cascaes, the French squadron still continues at anchor off Lisbon, apparently waiting for answers to the questions referred to Paris, relative to the disputed articles in the Convention. On the 21st instant they restored to the Portuguese Government the ship of the line *Don João VI.*, having in a council of war held for that purpose, on board the second admiral's ship, determined that as she was neither completely armed nor manned, they did not consider her as forming part of the hostile line drawn up to oppose them.

The sums claimed as indemnification by the French, have already been paid in hard cash on board the admiral's ship; having been partly furnished by one or two merchants holding Government contracts to a large amount; and by the bank of Lisbon, which has discounted their bills.

I have the honour, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Viscount Granville to Viscount Palmerston.—(Received July 25.)

My Lord,

Paris, 23rd July, 1831.

THE intelligence from Lisbon, which was this day announced to the Chambers in the King's speech, was communicated to the French Government by a telegraphic despatch from Bayonne.

I have just seen that despatch. The account from Lisbon is dated the 13th. It states that a letter was written by the commander of the French fleet to the Portuguese Minister for Foreign Affairs, demanding the compliance of his Government with the demands previously made by France, and also the sum of 800,000 francs to defray the expences of the armament; that the French fleet had subsequently entered the Tagus; that they were fired upon only by one fort and by one Portuguese vessel; that the Portuguese ships of war had been taken possession of, and that the tricolour flag was floating on board of them, and that Don Miguel had submitted to all the conditions imposed.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

GRANVILLE.

Viscount Granville to Viscount Palmerston.—(Received July 28.)

My Lord,

Paris, 25th July, 1831.

COUNT Sebastiani informs me that the Government has just received, by a vessel arrived at Brest, further despatches from Lisbon, and that it appears the resistance on the part of the Portuguese batteries was more serious than had been imagined, from what was contained in the telegraphic despatch from Bayonne. The loss of the French was three killed, and eleven wounded. The French ships were fired upon for ten minutes before they returned the fire. After placing his fleet immediately before Lisbon, the French Admiral gave two hours to the Portuguese Government for the acceptance of the French conditions.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

GRANVILLE.

Viscount Palmerston to Viscount d'Asseca.

Foreign Office, 26th July, 1831.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him on the 23d instant by the Viscount d'Asseca, &c., and has only to state in reply, that it does not appear to him necessary to enter into any further discussion upon a matter which seems now to be settled.

The undersigned, &c.

Viscount d'Asseca,
&c. &c. &c.

(Signed)

PALMERSTON.

Viscount Granville to Viscount Palmerston.—(Received July 30.)

(Extract.)

Paris, 28th July, 1831.

THE Spanish Ambassador called upon me this morning, for the purpose of communicating to me the Treaty signed on the 14th instant, by Admiral Roussin and the Portuguese Plenipotentiary, which he had just received by a courier from Madrid.

M. Ofalia, having given me the opportunity of taking a copy of the Treaty, (as it may possibly not have reached London direct from Lisbon), I transmit it to your Lordship, and also a protest of the Portuguese Government against the retention by the French of the Portuguese ships of war, of which they had taken possession in the Tagus, together with the answer given to that protest by the French Admiral.

I have the honour, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

GRANVILLE.

Enclosure 1 in No. 50.

Le 14 Juillet, 1831.

SE sont réunis à bord du Vaisseau le *Suffren* mouillé dans le Tage devant Lisbonne :

M. Castello Branco, &c. &c. porteur des pleins pouvoirs de M. le Vicomte de Santarem, Ministre des Affaires Etrangères du Portugal, d'une part ; M. le Contre-Amiral Baron Roussin, &c. &c. autorisé par le Gouvernement Français, d'autre part, sont convenus d'adopter, au nom de leurs Gouvernemens respectifs, les Articles suivans, en garantissant sur leur honneur l'exécution de toutes les dispositions qu'ils renferment.

Demandes contenues dans la note remise par M. le Capitaine de Vaisseau De Rabaudy, le 16 Juillet, 1831.

Articles adoptés.

Articles proposés.

ARTICLE I.

Accordé 24 heures; il est onze heures du matin.

Accordé le reste de l'Article.

La mise en liberté du S^r Bonhomme, et l'annulation par cet acte spécial de réhabilitation de la sentence rendue et exécutée contre lui au mépris des protestations du Consul Français.

ARTICLE II.

Accordé.

La destitution dans les 24 heures des juges qui ont prononcé la sentence, et la publication officielle dans le même délai de l'acte de réhabilitation qui l'aura suivi.

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Accordé dans les 24 heures et en numéraire remis à bord le Suffren sur un reçu.

Accordé jusqu'à demain onze heures du matin, rendu à bord le Suffren.

Accordé comme au précédent Article.

Accordé, il est entendu que la légalité de la réclamation de 20,000 francs sera prouvée authentiquement, et que dans aucun cas elle n'excèdera pas les vingt mille francs.

Accordé, pourvu que la totalité de cette indemnité soit préalablement réglée par les deux parties, le Gouvernement Portugais atteste que les Français ont été l'objet de ses égards depuis le départ du Consul, assertion qui jusqu'ici n'est pas contestée par les Français résidens à Lisbonne.

Cette proposition est admise jusqu'à ce que les deux Gouvernemens s'entendent réciproquement sur ce point.

Demandes ajoutées par suite du refus de la première demande et de l'Arme-ment qu'a entraîné ce refus.

Le Chef de la Police du Royaume à l'époque dont il s'agit, ayant été destitué précédemment, le décret qui prononce sa destitution sera produit au Public.

Accordé, pour ces causes depuis deux ans à Lisbonne et à Porto.

ARTICLE III.

Une indemnité de 20,000 francs pour le Sr. Bonhomme.

ARTICLE IV.

La remise en liberté du Sr. Sauvinet, condamné illégalement à dix ans de déportation en Afrique, en vertu d'une sentence dont les termes constatent qu'aucune des charges élevées contre lui n'a pu être prouvée.

ARTICLE V.

Une indemnité de 6000 francs précédemment réclamée par Monsieur le Consul de France en faveur du Sieur Dubois, graveur, pour les préjudices que lui a causés une injuste détention à Lisbonne.

ARTICLE VI.

Une indemnité en faveur du Sr. Vallen, qui a subi dans les prisons de Lisbonne une arrestation arbitraire de 27 mois. Cette indemnité sera de vingt mille francs, représentant la perte éprouvée par Monsieur Vallen pendant son absence.

ARTICLE VII.

Une indemnité de 20,000 francs pour les Français restés à Lisbonne après le départ du Consul pour France, et qui depuis auraient souffert des dommages sur leurs personnes et leurs propriétés.

ARTICLE VIII.

L'assurance de la stricte observation à l'avenir du privilège de ne pouvoir être arrêtés qu'en vertu d'un ordre du Juge Conservateur des nations privilégiées qui n'en ont pas en particulier.

ARTICLE IX.

La destitution du Chef de la Police du Royaume dans les 24 heures.

ARTICLE X.

L'annulation dans le même délai de tous les jugemens portés contre des Français pour délits politiques.

Accordé, sauf à régler à la fin de ces articles l'époque des paymens.

Accordé, M. l'Amiral cède la disposition relative aux affiches, à condition que les autres réparations demandées à la France et accordées par le Portugal, seront publiées dans la Gazette Officielle.

Le Gouvernement Portugais assure qu'aucune de ses causes n'existe. Toutefois il s'engage à indemniser le commerce Français des pertes authentiquement reconnus, comme étant l'effet de ces causes.

Pour garantir l'exécution des articles portant insertion dans la Gazette Officielle de Lisbonne des divers annulations qui doivent y être portées, 50 exemplaires de cette Gazette seront remis à M. l'Amiral, et avant l'impression la minute dont il s'agit devra lui être adressée : cette condition sera exécutée dans les 24 heures, à compter de six heures du soir aujourd'hui 24 Juillet.

Accordé.

M. le Commandeur a engagé M. l'Amiral à renoncer à cet article, en s'engageant formellement, au nom du Gouvernement Portugais, à ne faire aucune disposition militaire quelconque pendant le séjour de l'escadre Française dans le Tage.

ARTICLE XI.

800,000 francs pour indemniser le Gouvernement Français des frais de l'Expédition que le refus du Gouvernement Portugais d'adhérer à nos premières demandes, a rendu nécessaire.

ARTICLE XII.

L'insertion dans les 24 heures, et dans la Gazette Officielle de Lisbonne, des demandes de la France, de leur acceptation par le Gouvernement Portugais, et l'affiche de ces faits dans les rues où le Sr. Bonhomme a été ignominieusement promené.

ARTICLE XIII.

Le Gouvernement Portugais garantit le paiement d'une somme qui sera déterminée contradictoirement entre les deux parties, et sur pièces authentiques, pour indemniser le commerce Français des dommages qui pourraient lui avoir été causés soit par des Corsaires en lettres de marque, sous pavillon Portugais, soit par l'augmentation des primes d'assurances maritimes résultant de cette mesure, soit par autre cause dûment reconnue.

ARTICLE XIV.

Pour garantir l'exécution de l'Article 13, relatif à la publication dans le Journal officiel de Lisbonne des réparations obtenues par la France, un officier Français désigné par l'Amiral commandant l'escadre, sera présent au tirage du Journal, pour constater qu'il satisfait aux clauses portées dans cet Article, et il lui sera remis 50 exemplaires de cette Feuille.

ARTICLE XV.

Aucune des personnes qui aura rendu des services à l'escadre Française ne pourra être recherchée pour sa conduite.

Les pilotes Portugais qu'elle a employés, seront considérés (comme il est vrai) comme ayant été contraints par la force.

ARTICLE XVI.

Pour garantir la complète exécutions des présens articles, le Fort Julien sera mis à la disposition de M. l'Amiral Français, jusqu'à ce qu'ils soient entièrement exécutés.

Accordé, en fixant le terme de deux mois, ou plus tôt si faire se peut, pour renvoyer les bâtimens de commerce Portugais. Quant aux deux bâtimens de guerre arrêtés avant l'arrivée de M. l'Amiral dans le Tage, l'Amiral commandant l'escadre consent qu'ils soient compris dans la classe des bâtimens de commerce, arrêtés et rendus aux mêmes conditions que ceux ci.

Accordé.

ARTICLE XVII.

Les conditions qui précèdent étant arrêtées, les prisonniers de guerre Portugais seront immédiatement rendus, les bâtimens de commerce Portugais arrêtés et conduits en France depuis le commencement de ces hostilités, seront également rendus, à la charge par le Gouvernement Portugais de payer à la France, sur pièces comptables, les frais de séquestre occasionnés par l'arrestation de ces bâtimens.

ARTICLE XVIII.

Pour assurer le paiement des indemnités accordées et consenties, il est convenu que l'ensemble de ces indemnités sera totalisé, et que cette somme, à l'exception de celle de 20,000 francs, attribuée au Sr. Bonhomme, et une autre de 20,000 francs, accordée conditionnellement au Sr. Vallen, conformément à l'Article 7, sera fourni dans le délai de trois jours par le Gouvernement Portugais, en lettres de Change sur Paris, portant toute garantie, payables à deux mois de vue, et remises en duplicata à M. l'Amiral commandant l'escadre Française.

ARTICLE XIX.

Sur les instances de Monsieur le Commandeur, M. l'Amiral commandant l'escadre Française s'engage à faire sortir du Tage la plus grande partie des forces navales sous son commandement, aussitôt que l'exécution des Articles précédens sera accomplis, et autant que possible avant dix jours, à dater de ce jour.

Tous les Articles ci dessus étant réciproquement consentis, les deux contractans ont signé.

(Signé)

ANTONIO D. D'ATHA BRANCO CASTELLO.
BARON DE ROUSSIN.

(Translation.)

M. CASTELLO BRANCO, &c. &c., bearer of the Full Powers of The Viscount de Santarem, Minister for Foreign Affairs in Portugal on the one hand; and Rear Admiral the Baron Roussin, &c. &c., authorized by the French Government, on the other, having met on board the ship *Suffren*, anchored in the Tagus, off Lisbon, agreed to adopt in the name of their respective Governments, the following Articles, guaranteeing, on their honour, the execution of all the arrangements which they contain :

Articles adopted.

Granted, twenty-four hours, it being

Articles proposed.

ARTICLE I.

The liberation of the Sieur Bonhomme, the annulling by a special act

eleven in the morning.

The rest of the Article granted.

Granted.

Granted in twenty-four hours, and in cash sent on board the *Suffren*, a receipt being given.

Granted, till to-morrow morning at eleven o'clock, to be sent on board the *Suffren*.

Granted as in the preceding Article:

Granted—It is understood that the legality of the claim for 20,000 francs shall be authentically proved ; and that in no case shall it exceed the 20,000 francs.

Granted, provided the whole amount of indemnity be previously arranged by the two parties ; the Portuguese Government declares that the French were objects of its care since the departure of the consul, an assertion which, until now, is not disputed by the French residents in Lisbon.

This proposition is admitted until the two Governments come to a reciprocal understanding on this point.

[4.]

of requalification, of the sentence pronounced and executed upon him, in contempt of the protests of the French Consul.

ARTICLE II.

The dismissal in twenty-four hours of the judges who pronounced the sentence, and the official publication in the same space of time, of the act of requalification by which it is to be followed.

ARTICLE III.

An indemnity of 20,000 francs to Mr. Bonhomme.

ARTICLE IV.

The liberation of the Sr. Sauvinet illegally condemned to ten years of banishment to Africa, in virtue of a sentence, the terms of which show that none of the charges brought against him were capable of proof.

ARTICLE V.

An indemnity of 6,000 francs, previously claimed by the Consul of France, in favour of the Sieur Dubois, engraver, for the losses he sustained by an unjust detention in Lisbon.

ARTICLE VI.

An indemnity in favour of the Sieur Vallen, who endured in the prison of Lisbon an arbitrary confinement of 27 months. This indemnity shall be 20,000 francs, the amount of the loss experienced by Vallen during his absence.

ARTICLE VII.

An indemnity of 20,000 francs for the French who remained in Lisbon after the departure of the Consul for France, and who may have since suffered injuries in their persons or properties.

ARTICLE VIII.

The assurance of the strict observance in future of the privilege of not being arrested, except by virtue of an order from the Judge Conservator of the privileged nations, who have not one exclusively belonging to them.

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Demands added in consequence of the refusal of the first, and of the armament which first gave occasion to such refusal.

The chief of the police of the Kingdom, at the period in question, having been previously dismissed, the decree pronouncing his dismissal shall be publicly produced.

Granted, for these trials for two years past in Lisbon and Oporto.

Granted, with a reserve to regulate at the end of these articles the period of payments.

Granted; the Admiral yields the regulation regarding the placards, on condition that the other reparations demanded by France and granted by Portugal shall be published in the Official Gazette.

The Portuguese Government declares that none these causes exist; nevertheless, it engages to indemnify French commerce for the losses authentically acknowledged as being an effect of these causes.

To guarantee the execution of the Articles requiring insertion in the Official Gazette of Lisbon, of the sundry repeals of sentence which are to be made in it, 50 copies of that Gazette shall be delivered to the Admiral, and also the minute in question shall be addressed to him previous to the printing. This condition shall be executed within 24 hours, reckoning from six o'clock in the evening of to-day 24th July.

ARTICLE IX.

The dismissal of the chief of the police of the kingdom in 24 hours.

ARTICLE X.

The abrogation in the same space of time of all the sentences passed upon French persons for political crimes.

ARTICLE XI.

800,000 francs to indemnify the French Government, for the expences of the expedition, rendered necessary by the refusal of the Portuguese Government, to adhere to our first demands.

ARTICLE XII.

The insertion within 24 hours, and in the Lisbon Official Gazette, of the demands of France, and their acceptance by the Portuguese Government, and the placarding of these facts in the streets where the *Sieur Bonhomme* was ignominiously paraded.

ARTICLE XIII.

The Portuguese Government guarantees the payment of a sum, which shall be determined peremptorily between the two parties, and upon authentic documents, to indemnify French commerce for the injuries which it may have sustained, whether by privateers with letters of marque, under Portuguese colours, or by the increase of premium of maritime insurances resulting from that measure, or by any other cause duly acknowledged.

ARTICLE XIV.

To guarantee the fulfilment of Article 13, relative to the publication in the Official Journal of Lisbon, of the reparations obtained by France, a French officer appointed by the Rear Admiral commanding the squadron, shall be present at the printing of the paper, to certify that it is in conformity with the clauses stated in this Article, and 50 copies shall be given to him.

Agreed.

The commander has induced the Admiral to forego this Article, by formally pledging himself in the name of the Portuguese Government to make no military movement whatever during the stay of the French squadron in the Tagus.

Granted; fixing the term of two months, or sooner, if possible, for sending back the Portuguese merchant ships. As to the two ships of war, detained before the arrival of the Admiral in the Tagus, the Admiral commanding the squadron consents to their being comprised in the class of merchant ships detained, and restored on the same conditions with them.

Granted.

ARTICLE XV.

None of the persons who shall have rendered services to the French squadron, shall be called to account for their conduct.

The Portuguese pilots whom it employed shall be considered (as is true) to have acted under the constraint of force.

ARTICLE XVI.

To guarantee the entire execution of the present Articles, Fort Julian shall be given up to the French Admiral, until they be entirely fulfilled.

ARTICLE XVII.

The conditions which precede being settled, the Portuguese prisoners of war shall immediately be restored. The Portuguese merchant ships detained and sent to France, since the commencement of these hostilities, shall in like manner be restored, the Portuguese Government being burdened with the payment to France, on accountable documents, of the expenses of sequestration occasioned by the detention of these vessels.

ARTICLE XVIII.

To insure the payment of the compensation granted and approved, it is agreed that the whole of these compensations shall be added together, and that that sum, with the exception of that of 20,000 francs, allotted for the Sieur Bonhomme, and another of 20,000 francs conditionally awarded to the Sieur Vallen, in conformity with Article VII., shall be furnished by the Portuguese Government, within the space of three days, by a Bill of Exchange on Paris, including every guarantee, to be paid at two months sight, and transmitted in duplicate to the Admiral commanding the squadron.

ARTICLE XIX.

At the request of the Commander, the Admiral commanding the French squadron engages to cause the greater part of the naval forces, under his command to quit the Tagus as soon as the fulfilment of the preceding Articles

shall have taken place, and as early as possible within a period of ten days, dating from to-day.

All the above Articles being reciprocally approved, the two contracting parties have signed.

(Signed) ANTONIO S. D'ATHA BRANCO CASTELLO.
BARON DE ROUSSIN.

Enclosure 2 in No. 50.

Viscount Santarem to Baron Roussin.—(Translation.)

Monsieur le Baron,

THE Government of Portugal having neither provoked nor waged war with France; having, on the contrary, in its position relatively to France, sought rather to avoid war by every means founded on principles which are authorised by the Law of Nations, and which have hitherto been acknowledged by all civilized States; it is impossible for this Government to admit that a War *de facto* waged by France, and declared to be such by the note of your Excellency, dated the 8th instant, could be productive of the same consequences as would result from a war *de jure*. Self defence being an indisputable right and common to all nations, the Government of Portugal could not fail to oppose the violation of its territory when it saw the French squadron, under your Excellency's command, force its way up the Tagus. Therefore the Government of Portugal protests solemnly, in the face of Europe and of the world, against the capture made by your Excellency of the Portuguese ships of war lying at anchor in the Tagus.

Receive, &c.

(Signed) VISCOUNT DE SANTAREM.
Baron Roussin, &c. &c. &c.

Enclosure 3 in No. 50.

Abord du Suffren, devant Lisbonne, le 14 Juillet, 1831.

LE Contre-Amiral Baron Roussin, commandant l'escadre Française dans le Tage, a reçu des mains de M. Castello Branco, chargé des pouvoirs de M. le Vicomte Santarem, une lettre de ce Ministre portant protestation contre la prise de possession par l'escadre Française de l'escadre Portugaise, composée de 8 bâtimens, et qui a amené son Pavillon dans l'engagement du 11 de ce mois. Le Contre-Amiral Baron Roussin reçoit cette protestation pour la remettre à son Gouvernement, mais sans la considérer comme pouvant détruire les droits qui lui semblent acquis à son escadre sur les bâtimens Portugais, d'après les usages de la guerre admis chez toutes les nations.

En conséquence il se réserve la faculté de disposer de ces bâtimens, sauf à les restituer ultérieurement, si telle est la volonté du Gouvernement Français.

(Signé) LE CONTRE-AMIRAL BARON ROUSSIN.

(Translation.)

On board the Suffren, off Lisbon, the 14th July, 1831.

REAR Admiral Baron Roussin, commanding the French squadron in the Tagus, has received from the hands of M. Castello Branco, charged with the commands of the Viscount Santarem, a letter from that Minister, containing a protest against the seizure, by the French squadron of the Portuguese squadron, composed of eight vessels, and which struck its flag in the engagement on the 11th of this month. The Rear Admiral Baron Roussin receives this protest for the purpose of forwarding it to his Government, but without considering it as having the power to destroy the rights which appear to him to have been acquired by his squadron over the Portuguese vessels, according to the usages of war admitted among all nations.

In consequence, he reserves to himself the right of disposing of these vessels, without prejudice to their ulterior restoration, if such be the pleasure of the French Government.

(Signed) THE VICE ADMIRAL BARON ROUSSIN.

Viscount Santarem.

Viscount Palmerston to Viscount Granville.

My Lord,

Foreign Office, July 29, 1831.

WHEN His Majesty's Government received the intelligence of the entrance of the French fleet into the Port of Lisbon, which was known here on Monday last, I felt it my duty immediately to have an interview with the Prince de Talleyrand, and to ask him what were the ulterior intentions of the French Government, with respect to their fleet in the Tagus, and whether His Majesty's Government were right in concluding that as soon as the satisfaction demanded from Portugal, shall have been obtained, the French fleet will quit the Tagus, and I added that His Majesty's Government, were the more disposed to take this for granted, because, in reply to a former communication, made by them, on the subject of the expedition, the French Government had stated that the fleet carried with it no troops for disembarkation.

The Prince de Talleyrand professed himself unable to give me any answer, because he had, at that moment, no information which would afford him the means of doing so. But he appeared to entertain the same expectation as His Majesty's Government, as to the retirement of the French fleet, whenever full satisfaction shall have been obtained.

I have, to-day, again repeated the same inquiry of the Prince, but he has not received any fresh intelligence which can enable him to answer it, and it, therefore, becomes necessary to instruct your Excellency to request information on this subject from the French Government.

His Majesty's Government have already stated the reasons which induced them not to interfere in the recent dispute between France and Portugal, but one of those reasons certainly was, their conviction founded upon all their communications, written and verbal, with the French Government and with the French Ambassador in London, that satisfaction was the only object sought for by France, and that no occupation of any part of the Portuguese territory was thought of.

His Majesty's Government see nothing hitherto in the proceedings of the French fleet which can lead them to suppose any change of plan or intention, on the part of the French Government; but, in a matter of so much importance to England, it is essential that your Excellency should lose no time in obtaining from the French Government a distinct and satisfactory explanation.

I have the honour to be, &c.

Viscount Granville,
&c. &c. &c.

(Signed) PALMERSTON.

No. 52.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 3.)
(Extract.) *Lisbon, 30th July, 1831.*

I HAVE the honour to inform your Lordship that on Monday, the 25th instant, five French ships of the line, constituting the Toulon squadron, commanded by Rear-Admiral Hugon, quitted the Tagus. Rear-Admiral the Baron Roussin remaining here with the *Suffren*, and the rest of the fleet.

Although Lisbon is now comparatively quiet, the streets of this capital still bear the aspect of a besieged citadel; the troops, both cavalry and infantry, being kept continually under arms. While this is the condition of the capital, I regret to have to inform your Lordship, that the same spirit of persecution which lately displayed itself in Lisbon has spread throughout the Kingdom. There is scarcely a town of any consideration where the inhabitants have not been molested. The greatest alarm prevails throughout the country. In every parish, lists have been opened, of the real or supposed enemies of the predominating system. Many persons who have hitherto been considered staunch loyalists, have been arrested since the 11th, on the denunciation of secret enemies; no one, therefore, considers himself as any longer safe from the consequences of an unsparing persecution, which has added, in little more than a fortnight, more than a thousand victims to those who

already languished in the prisons of this city, and has sanctioned the ill-treatment, and even murder, of numerous inoffensive individuals.

In my despatch of the 23d inst. I had the honour to transmit to your Lordship a copy of the account published by the Minister of Justice, of the transaction of the 11th. The French Admiral having complained of this, it was publicly contradicted in the Lisbon Gazette of the 25th, in an article which I herewith enclose. I regret to say, these mis-statements are merely considered as unsuccessful trials of skill which only call for other and more efficacious attempts on any future opportunity.

It is difficult to divine what can occasion these great military preparations which are evidently no longer intended to secure the country against the French; since the latter have most clearly shewn that they have no other object in view, than the satisfaction of their demands, and their protracted stay is to be accounted for by the reference of some of these to the French Government for their further consideration.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure in Mr. Hoppner's despatch of 23rd July, above referred to.

Palace of Queluz, 16h July, 1831.

WE have received from Coimbra a Royal Order of the following tenor, printed there.

The King our Lord commands me to inform you that the French Squadron, which was at anchor outside the Bar of Lisbon, has this day contrived to enter, and is now anchored opposite the City; having suffered no small damage from our Forts.

The enthusiasm of the troops and people on this occasion was extraordinary; the greatest order having at the same time, been observed. Every measure was taken to defend Lisbon and attack the enemy; no other conflict, having, however, taken place further than that between the Ships and the Forts at the entrance of the Bar; for, *the Frenchmen immediately offered to negotiate with His Majesty's Government.* (The differences with France may, therefore, be looked upon as settled. With this intelligence you are to dispel those other exaggerated or disfigured reports which the Revolutionists there (in Coimbra) may have caused to be circulated on this head.

God preserve you.

(Signed.)

LUIZ DE RIO DE MENDOUCA.

Judge Conservator of the University of Coimbra.

Enclosure in No. 52.

Translation of Extract, Page 704.

AN essentially incorrect statement of the occurrences of the 11th instant, relative to the entrance of the French squadron into the Tagus, having appeared in the supplement to the Oporto Gazette of the 16th instant, we are authorized to give the following resumen of those facts.

On the 11th July, after 2 P. M., a French squadron of 6 Line-of-Battle-Ships, 3 Frigates and 3 Corvettes, forced the greater bar, and entered the Tagus; at 4 o'clock it anchored in Line from Belem Castle to Lisbon, when His Majesty's Government having treated with the Admiral Baron Roussin, Commander of the squadron, hostilities ceased, and on the 14th instant a Convention was signed, by virtue of which France obtained the reparation she demanded.

No. 53.

Viscount Granville to Viscount Palmerston.—(Received August 3.)

My Lord,

Paris, July 31, 1831.

COUNT SEBASTIANI called upon me this morning, to announce, that orders had been already sent to Admiral Roussin to withdraw the French

fleet immediately from the Tagus, without waiting for the completion of the payments of indemnity which had been agreed to by the Portuguese Government.

The Portuguese merchant ships which had been captured, and which are now detained in the ports of France, Count Sebastiani observed were a sufficient security for the fulfilment of these pecuniary engagements.

Viscount Palmerston,
&c. &c. &c.

I have the honour to be, &c.

(Signed) GRANVILLE.

No. 54.

Viscount d'Asseca to Viscount Palmerston.

Monsieur Le Vicomte,

Londres, Août le 1er, 1831.

JE viens de recevoir par la voie de terre, des nouvelles de Lisbonne, qui me mettent au fait de tout ce qui s'y est passé jusqu'au 14 du mois dernier. Je ne puis douter que Votre Excellence en soit également instruite. Par respect pour des transactions auxquelles il semble que mon Gouvernement avait déjà souscrit, je ne releverai pas la nature des rudes épreuves que le Portugal a subies à la suite de l'agression non provoquée de l'escadre Française. Comme Portugais, jaloux de l'honneur de mon pays, et comme sujet fidèle du Souverain qui m'a honoré de sa confiance, je gémiss, M. le Vicomte, de l'étendue des sacrifices, et de l'énormité des maux qu'un ennemi cruel et vindicatif, abusant du droit du plus fort, a imposé à ma malheureuse Patrie ; et je gémiss encore profondément de ce que notre ancien Allié, la puissante, la grande et généreuse Angleterre, ait négligé, en dépit de notre réquisition formelle, et malgré nos prières réitérées et nos pressantes sollicitations, appuyées sur les Traités, d'aviser aux moyens de détourner de la nation Portugaise l'effet des menaces injustes et impitoyables qui planaient sur elle depuis trois mois, et l'affreuse humiliation qui l'accable aujourd'hui. Personne mieux que Votre Excellence ne sait que jamais mon Gouvernement s'est refusé à accorder à la France, par la voie de la conciliation et par l'entremise de la Grande Bretagne, toutes les satisfactions qui seraient reconnues lui être raisonnablement dues pour les griefs avancés contre nous. Avant même le départ de Lisbonne du gérant du Consulat Français, je me suis adressé à vous, Monsieur le Vicomte, en vous demandant, au nom de mon Gouvernement, la médiation de Sa Majesté Britannique, pour l'arrangement à l'amiable des prétentions du Gouvernement Français ; et je n'ai cessé depuis de réclamer et de solliciter avec instance auprès de vous, verbalement et par écrit, vos bons offices, non pour soustraire le Portugal à l'obligation de redresser les griefs que l'Angleterre, après avoir entendu les deux parties, aurait envisagé comme justes et fondés, car nous n'avons à aucune époque eu cette pensée, mais pour nous accorder avant tout, le secours et la protection morale qui nous étaient assurés par le texte et l'esprit des Traités en pleine vigueur, que l'Angleterre elle-même venait à peine d'invoquer à son avantage, et qui incontestablement ont du et doivent nous garantir contre les menaces injustes et impérieuses, les exigences exagérées, et les entreprises hostiles de toutes les Puissances étrangères, et plus encore de la France, laquelle, par une sage prévoyance, est une des deux Puissances spécialement nommées et désignées dans les mêmes Traités, comme celles dont les empiètemens sur l'indépendance du Portugal étoient le plus à craindre. La réponse mesurée de mon Gouvernement au Capitaine de vaisseau De Rabaudy, et celle qu'il adressa au dernier moment à l'Amiral Roussin, que j'ai eu l'honneur de communiquer à Votre Excellence par mon office précédent du 23 Juillet, attestent encore, et d'une manière non équivoque, que nous ne nous sommes nullement refusés à faire les réparations compatibles avec l'honneur et la justice, et qu'au contraire, le Portugal, fidèle à ses anciennes habitudes de confiance entière dans son intime Allié, et fort de la bonté de sa cause et de la pureté de ses intentions, a cédé aux conseils de l'Angleterre, ainsi que, les Traités à la main, il n'a demandé constamment et invariablement, par mon entremise, que la médiation et le jugement impartial et explicitement énoncé de Sa Majesté Britannique, pour s'y conformer sans réserve.

Pour notre malheur, et sans qu'il puisse nous être reproché de n'avoir pas poussé bien haut nos prières et nos doléances, la Nation Portugaise, pour la première fois depuis plusieurs siècles d'une alliance riche en tant de souvenirs glorieux pour elle et pour la Nation Anglaise, vient d'être subitement délaissée par le Gouvernement de Sa Majesté Britannique, et abandonnée au sort le plus cruel comme le moins mérité. Les suites ont été telles que la loyale Angleterre ne pourra que déplorer. Lisbonne a vu devant ses murs une escadre ennemie dictant au Portugal sans mesure comme sans ménagement, une loi cruelle et humiliante, et l'antique Pavillon Portugais, qu'en d'autres tems plus heureux, toutes les forces de l'Angleterre se seraient réunies pour défendre, a été abattu pour être remplacé par celui même que l'Angleterre et le Portugal ont jadis tant de fois et si noblement et glorieusement combattu ensemble : et, comme pour nous humilier d'avantage, en signalant plus particulièrement le triomphe de la France sur un Allié de l'Angleterre, les seuls bâtimens de guerre qui restaient encore au Portugal, ces vénérables débris de sa vaillante marine royale, ont été impitoyablement déclarés par l'Amiral Roussin, propriété Française, le 12 Juillet, nonobstant que ce même Amiral, dans une communication officielle de la veille, avait consigné pompeusement ces mots : *" la France toujours, généreuse, traitera aux mêmes conditions qu'avant la victoire."*

Ma douleur est au comble, Monsieur le Vicomte, en vous traçant ces lignes ; mes sentimens patriotiques se révoltent contre un abus si criant de la force. Je finis donc par vous transmettre ci-jointe une copie de la protestation solennelle faite par mon Gouvernement contre la prise de possession par l'Amiral Français de l'escadre Portugaise, au mépris du droit des gens ; une copie aussi de la réponse au Baron Roussin : et en protestant au besoin, de nouveau et de la manière la plus formelle, au nom de mon Gouvernement, contre cet acte de violence, j'invoque instamment l'assistance et l'intervention énergique de votre Gouvernement, M. le Vicomte, auprès du Gouvernement Français, pour l'engager à désister de cette injuste prétention, et à faire sortir son escadre du port de Lisbonne sans délai ; le tout en vertu des stipulations des Traités qui incontestablement nous autorisent à vous adresser cette demande.

J'ose espérer, Mylord, que vous ne serez pas insensible à l'atteinte que reçoivent nos anciens et glorieux Traités d'un pareil affront fait au drapeau d'un peuple renommé par son attachement à l'Angleterre, et que vous ne méconnaîtrez pas les cris de détresse qu'il vous fait entendre aujourd'hui, par mon organe contre l'oppression d'une force étrangère, dont jadis vous lui avez noblement aidé à briser le joug ; et enfin, que votre Excellence ne se refusera pas à accorder quelque soulagement à mon Gouvernement, en me donnant une réponse favorable avant le départ d'Angleterre du prochain paquebot.

Je vous prie, Monsieur le Vicomte, d'agréer à cette occasion la nouvelle assurance de la haute considération avec laquelle j'ai l'honneur d'être, &c. (Signé) VICOMTE D'ASSECA.
Viscount Palmerston,
&c. &c. &c.

(Translation.)

My Lord,

London, 1st August, 1831.

I HAVE just received, by overland conveyance, news from Lisbon, which puts me in possession of all that has passed there up to the 14th of last month. I cannot doubt that your Excellency is likewise acquainted with it. Out of respect for transactions to which it appears that my Government had already subscribed, I will not revive discussions upon the severe trials which Portugal has suffered in consequence of the unprovoked aggression of the French fleet. As a Portuguese, jealous of the honour of my country, and as a faithful subject of a Sovereign who has honoured me with his confidence, I grieve, my Lord, at the extent of the sacrifices, and at the weight of the evil, which a cruel and revengeful enemy, presuming upon his power, has inflicted upon

my unfortunate country ; and still more deeply do I grieve that our antient Ally, the powerful, the great, and generous England, should have neglected, notwithstanding our formal request, and our repeated prayers and pressing solicitations, supported by Treaties, to take measures to save the Portuguese nation from the effect of unjust and pitiless threats which have been uttered against her during three months, and the dreadful humiliation which now overwhelms her. No one knows better than your Excellency that my Government has never refused to grant to France, by amicable means and through the mediation of Great Britain, every satisfaction which might be reasonably deemed due to her for grievances alleged against us. Even before the departure from Lisbon of the Acting French Consul General, I addressed myself to you, my Lord, requesting in the name of my Government the interference of His Britannic Majesty, for the amicable settlement of the demands of the French Government ; and I have constantly and urgently solicited and claimed from you, verbally and in writing, your good offices, not to release Portugal from the obligation she lies under of redressing grievances which England, after having heard both parties, might have looked upon as just and well founded, for at no time have we entertained such an idea, but to extend to us above all things that succour and moral protection which were assured to us by the letter and the spirit of Treaties now in full force, Treaties which England herself only lately invoked for her own advantage, and which undoubtedly ought formerly, and now, to protect us from unjust and imperious menaces, from the exaggerated demands and hostile interprises of all Foreign Powers, and more particularly from those of France, which, by a wise foresight, is one of the two Powers especially named and designated in those Treaties, as being the Powers whose encroachments upon the independence of Portugal were the most to be apprehended. The measured answer of my Government to Captain de Rabaudy, and that which it addressed at the last moment to Admiral Roussin, which I had the honour to communicate to your Excellency in my former note of the 23rd July, afford a fresh and unequivocal proof that we have by no means refused to make such reparations as were compatible with honour and justice ; but that, on the contrary, Portugal, faithful to her old habits of entire confidence in her ancient Ally, and strong in the goodness of her cause, and in the purity of her intentions, has yielded to the counsels of England, with the same feelings which actuated her when with her Treaties in her hand, she has constantly and invariably claimed, through me, the mediation and the impartial and distinct advice of His Britannic Majesty, in order that she might conform to it without reserve.

Unfortunately for us, and when we are certainly free from the reproach of not having pressed sufficiently our prayers and complaints, the Portuguese, nation, for the first time, for many ages of an alliance, rich in so many recollections, glorious for herself and for the British nation, has been suddenly deserted by the Government of His Britannic Majesty, and abandoned to the most cruel and unmerited fate. The consequences have been such as loyal England cannot but lament. Lisbon has seen before its walls a hostile squadron, dictating to Portugal, in the harshest and most unmeasured terms, a law at once cruel and humiliating ; and the ancient Portuguese flag, which, in other and more prosperous times, all the power of England would have been employed to defend, has been torn down, and replaced by that flag which England and Portugal together have formerly so often, so nobly, and so gloriously combatted ; and, as if to humiliate us still further, in signaling more particularly the triumph of France over an Ally of England, the only vessels of war which still remained to Portugal, those venerated relics of her once valiant royal navy, were, on the 12th of July mercilessly declared by Admiral Roussin, French property ; notwithstanding that this same Admiral, in an official communication of the previous evening, had pompously used these words : “ *France, always generous, will treat on the same terms as before victory.* ”

My grief is at its height, my Lord, in writing to you these lines. My patriotic feelings revolt against so glaring an abuse of power. I conclude by

transmitting to you inclosed a copy of a solemn protest of my Government against the capture of the Portuguese squadron by the French Admiral in contempt of the rights of nations ; also a copy of the reply of Baron Roussin ; and in protesting again, as by necessity compelled, and in the most formal manner, in the name of my Government, against this act of violence, I urgently invoke the assistance and energetic intervention of your Government, my Lord, with the Government of France, to engage it to desist from this unjustifiable pretention, and to compel its squadron to quit the port of Lisbon without delay, in virtue of the stipulations of Treaties which undoubtedly authorize us to make this demand upon you.

I venture to hope, my Lord, that you will not be insensible to the stain which our ancient and glorious Treaties receive from such an affront offered to the flag of a nation renowned for its attachment to England ; and that you will not disregard those cries of distress, which are now brought to your ears, against the oppression of a foreign force, whose yoke in former times you have nobly assisted her in throwing off ; and, finally, that your Excellency will not refuse to afford some consolation to my Government, by giving me a favourable answer, before the departure from England of the next Packet.

I pray you, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) VICOMTE D'ASSECA.

Enclosure 1 in No. 54.—(Translation.)

Protest addressed by the Portuguese Government to the French Rear-Admiral, Baron Roussin.

Senhor Baron,

14th July, 1831.

AS the Portuguese Government has neither provoked, nor made war against France, but, on the contrary, sought, in its relative situation with the French Government, every means founded on the principles which are received by all civilized nations, and which hitherto have never been controverted by the law of nations, for avoiding it, it cannot possibly admit that an attempt should be made to obtain from a war, *de facto*, waged by France, and declared as such in your Excellency's note of the 8th instant, those fruits and consequences which result from a war *de jure*. The defence of their own territory being the indisputable and common right of all nations, the Portuguese Government could not refrain from resisting the violation of that territory when it beheld your Excellency's squadron force its entrance into the Tagus. The Portuguese Government therefore solemnly protest, in the face of Europe and of the whole world, against the capture made by your Excellency of the Portuguese ships of war that were at anchor in the Tagus.

Accept the assurances, &c.

(Signed) VISCONDE DE SANTAREM.

Secretary of State's Office, for Foreign Affairs, 12th July, 1831.

His Excellency Admiral Baron Roussin.

&c. &c. &c.

Enclosure 2 in No. 54.

Réponse du Baron Roussin, adressée à M. le Vicomte de Santarem.

A bord du Suffren, devant Lisbonne,

le 14 Juillet, 1831.

LE Contre Amiral Baron Roussin, commandant l'escadre Française dans le Tage, a reçu des mains de M. Castello Branco, chargé des pouvoirs de M. le Vicomte de Santarem, une lettre de ce Ministre, portant protestation contre

la prise de possession, par l'escadre Française, de l'escadre Portugaise, composée de huit bâtimens, et qui a amené son pavillon dans l'engagement du 11 de ce mois. Le Contre-Amiral Baron Roussin, reçoit cette protestation pour la remettre à son Gouvernement, mais sans la considérer comme pouvant détruire les droits qui lui semblent acquis à son escadre, sur les bâtimens Portugais, d'après les usages de la guerre admis chez toutes les nations.

En conséquence, il réserve la faculté de disposer de ces bâtimens, sauf à les restituer ultérieurement, si telle est la volonté du Gouvernement Français.

(Signé) C^{te} Amiral BARON ROUSSIN.

Pour copie conforme.

(Signé) VICOMTE D'ASSÉCA.

(Translation.)

*On board the Suffren, off Lisbon,
14th July, 1831.*

REAR-ADMIRAL Baron Roussin, commanding the French squadron in the Tagus, has received from the hands of M. Castello Branco, charged with the commands of the Viscount de Santarem, a letter from that Minister, containing a Protest against the seizure, by the French squadron, of the Portuguese squadron, composed of eight vessels, and which struck its flag in the engagement on the 11th of this month. The Rear-Admiral Baron Roussin receives this Protest, for the purpose of forwarding it to his Government, but without considering it as having the power to destroy the rights which appear to him to have been acquired by his squadron over the Portuguese vessels, according to the usages of war, admitted among all nations.

In consequence, he reserves to himself the right of disposing of these vessels, without prejudice to their ulterior restoration, if such be the pleasure of the French Government.

(Signed) Vice-Admiral BARON ROUSSIN.

Viscount de Santarem,

No. 55.

Viscount Granville to Viscount Palmerston.—(Received August 4.)

(Extract.)

Paris, 1st August, 1831.

I TRANSMITTED to your Lordship last night, by estafette, the communication I received yesterday from Count Sebastiani, relative to the orders given by the French Government to Admiral Roussin, to withdraw his fleet immediately from the Tagus. Part of the fleet were directed to be sent to Toulon, and another part to Brest.

I have the honour to be, &c.

Viscount Palmerston,

(Signed)

GRANVILLE.

&c. &c. &c.

No. 56.

The King's Advocate to Viscount Palmerston.

My Lord,

Doctor's Commons, 9th August, 1831.

I AM honoured with your Lordship's commands, signified in Sir George Shee's letter of the 1st instant, transmitting the following statement for my consideration and report:—

“ On the 29th of March last, the French Government, through the me-

dium of a gentleman charged with their consular affairs at Lisbon, M. Cassas made complaint to the Portuguese Government, of sundry acts of injustice and oppression, committed by them upon French subjects, and demanded immediate redress.

" This redress was refused, upon the plea that M. Cassas, who made the application, was not an accredited agent of France. M. Cassas then left Lisbon, and, on the 16th of May, a French Squadron was sent to the Tagus, with a more formal renewal of the demand. The answer to this demand also being unsatisfactory, reprisals ensued, viz. by the detention of all Portuguese merchant-vessels entering the Tagus, and also of two ships of war encountered by the French squadron at sea, which ships of war, together with the merchantmen, were subsequently sent to Brest.

" Shortly afterwards a French fleet appeared off the Tagus, and the commander of the force addressed to the Portuguese Government a demand for instant and ample reparation of every grievance, announcing that, ' in case of a refusal, war being, *de facto*, declared between Portugal and France,' hostilities would be the immediate consequence.

" The answer to this demand not being as satisfactory as the French Commander considered he had a right to expect, hostilities commenced.

" The French fleet, according to notice, sailed up the Tagus. They were fired at by the forts, whose batteries they silenced, but *not* by the Portuguese ships of war in the river, which, on the contrary, struck their colours as the first French frigate sailed by them.

" The French fleet having anchored in the Tagus, the Portuguese Government yielded, and promised acquiescence in all the French demands. The result was a Convention between the Portuguese Government and the French Commander, by which it was agreed that upon the fulfilment, by the former, of all the obligations which the Convention imposed upon them, the merchant-vessels which had been detained, and the two ships of war which had been first captured at sea, should again be given up. The French Commander, however, now asserts, and it would appear that he is supported by his Government in the assertion, that the ships of war which struck their colours in the Tagus, should be considered as ' prizes of war,' and not as vessels detained by way of reprisals, and under the first of these denominations, insists upon retaining them. Against this retention, upon such grounds, the Portuguese Government have solemnly protested.

" They have applied to this Government for interference in their behalf, and have appealed, in support of their claim, to those Treaties by which Great Britain is bound in a just cause, to protect Portugal from aggression."

The question, then, for my consideration is as follows:—

Are these Portuguese ships of war, so captured in the Tagus, legitimate prizes of war? or, in other words, do the hostilities which took place in the Tagus, *and in the progress of which, a Portuguese fleet gratuitously surrendered to the French, entitle France to retain that fleet*, after having received from Portugal complete satisfaction of all those demands, to enforce which the hostilities were commenced.

And your Lordship is pleased to request that I would, at my earliest convenience, report my opinion upon the case above detailed.

I am also honoured with Sir George Shee's letter of the 2nd instant, transmitting the memorandum of a transaction, which appears in some degree to resemble that upon which my opinion is required.

In obedience to your Lordship's commands, I have the honour to report that the right of the French Government to retain possession of the Portuguese ships of war captured in the Tagus, will depend upon the terms of the Convention subsequently entered into between the Government of Portugal and the Commander of the French squadron. For, those ships having surrendered, after the declaration, and during the pendency of hostilities, although they made no resistance, are to be considered as legitimate prize of war, and not as seized by way of reprisals only.

This latter species of seizure is resorted to, with the view of obtaining

satisfaction for injuries alleged to have been received, and in order to prevent the necessity of having recourse to actual hostilities; and may be looked upon as a provisional measure, the character of which is to be determined by subsequent events. If the reprisals should produce a satisfactory result, followed by a restoration of relations of peace between the two countries, the property seized would be considered as having been placed under temporary sequestration only, and would be restored to the original proprietors. But, should hostilities once commence, the seizure would then assume an hostile character *ab initio*, so that those ships, which were seized before, as well as those which were captured after that event, would become the property of the capturing State, and the title of the former owners would be divested.

The Portuguese, therefore, would not be entitled to restitution in either case, except under the terms of the Convention; and the question therefore is, whether these are sufficiently comprehensive to include those ships of war which were captured after the declaration of hostilities, or whether they only extended to those which had been seized by way of reprisals. If the latter should be the true construction of the Convention, I am humbly of opinion, that the French Government are legally entitled to retain possession of the ships of war captured in the Tagus, although complete satisfaction may have been received from Portugal of all the demands, to enforce which the hostilities were commenced.

The case referred to in Sir George Shee's letter of the 2d of August, as occurring at Buenos Ayres in 1829, differs from the present, inasmuch as the seizure of the Buenos Ayrean ships of war was not followed by any actual hostilities.—The Convention, in pursuance of which the ships were delivered up, leaving the question of satisfaction and indemnity to be settled afterwards between the two Governments.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

HERBERT JENNER.

No. 57.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 30.)

(Extract.)

Lisbon, 13th August, 1831.

IT has been here very generally believed that Admiral Roussin had entered into a negotiation with the Portuguese Government for the repurchase of their vessels, which he had offered to restore to them for a million and a half of cruzados. The fact, however, is, that having insisted on his right, according to all the usages of war, to retain these vessels, which he had captured in open hostility, to his Government, he promised, on the Portuguese Government resisting the validity of his right, to refer the question for the decision of his sovereign. In the mean time he offered to take upon his own responsibility to give them up to the Portuguese Government at once, provided they would place at his disposal four hundred of the prisoners confined at St. Julian's, and elsewhere, according to a list which he furnished to M. de Santarem, engaging on their part, and on that of his Government, that they should not take part in any hostilities against the present Government of Portugal, but remain perfectly neutral in the political contest in which she was engaged. The Viscount, though he did not at once decline the proposition, stated it was one which he could not admit without the concurrence of his colleagues and the head of the Government, and M. Roussin gave him twenty days (in which interval he hoped to receive the answer of his Government) to decide whether they would accept it or not. M. de Santarem, however, took no further notice of the proposal, nor in any way hinted at it except when brought forward in conversation by the Admiral himself, nor did he show any disposition to accede to the terms. Meanwhile the decision of the French Government with respect to the squadron arrived, and the Admiral intimated his

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orders to send the ships to France. Such a result appears to have been entirely unforeseen by the Portuguese Government, and M. Roussin now declared to them that although he was no longer at liberty to restore the ships on the same terms as he had originally offered, he would still take upon himself to give them, back the half of them for the same number of prisoners as he had before stated, a proposal which the Portuguese Ministers have declined. After such a decision what hopes can there be of any amnesty being granted, which must embrace thousands of individuals instead of the four hundred whose liberation the French Admiral thus generously endeavoured to obtain?

Although the capital is now in a state of tranquillity compared with what has existed here for some weeks past, prosecutions and imprisonments are still, I regret to say, very numerous, and the peaceable portion of the inhabitants are kept in a state of continual alarm.

A fresh corps of bludgeon men has been taken into service of the Government, and the uniform construction of the weapon with which they are armed is a sufficient indication of their issue from one manufactory, which is reported to be the military arsenal.

I have the honour to be, &c.

Viscount Palmerston. (Signed) R. B. HOPPNER.
&c. &c. &c.

No. 58.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received August 30.)

My Lord,

Lisbon, 13th August, 1831.

I HAVE the honour to inform your Lordship that yesterday evening the French brig of war, got under weigh, accompanied by the following Portuguese prizes.

Diana . 52 Guns	} Frigates.
Amazona 50 —	
D ^o Joao I ^a 26 — —	Corvette.
D ^a Pedro 18 — —	Brig.

The remainder of the prizes, the *Perola*, 48; the *Lealdade*, 24; *St. Sebastian*, 10; and *Memoria*, 6, proceeded this morning to join them. Vice-Admiral Roussin, with the French squadron, will, it is understood, quit the Tagus next week, leaving only the *Pallas* frigate for the protection of such of the French inhabitants as have not been able to quit Lisbon, which they have had an opportunity of doing if they thought proper, the Admiral having publicly intimated that he would receive on board his ships, and convey to France, such of them as might wish to quit the country.

I have the honour to be, &c.

Viscount Palmerston, (Signed) R. B. HOPPNER.
&c. &c. &c.

No. 59.

R. B. Hoppner, Esq. to Sir George Shee.—(Received September 8.)

Sir,

Lisbon, 20th August, 1831.

I HAVE the honour to inform you, that the French squadron, *Suffren*, 100 guns; the *Pallas*, 60; the *Didon*, 60; the *Guerrière* 60; the *Syrène*, 58; and the *Dragon*, 18, under the command of Vice-Admiral Roussin, quitted the Tagus on Sunday, the 14th inst., leaving on the station the *Melpomene*, 66, Captain Rabaudy, and *Eglé*, Captain Raffy, in lieu of the *Pallas*, as originally intended.

Don Miguel himself was employed during the whole of the 18th in visiting and examining the forts on the river, causing the heavy guns in them to be

exercised, and directing that they should be supplied with whatever ammunition they might require.

It is customary in this country, when the Sovereign visits the forts, to set at liberty any prisoners that may be confined in them. Don Miguel, on entering Fort St. Julians, ordered the prisoners existing there for criminal cases to be released, his mercy not extending to those whose offences are of a political nature.

I have the honour to be, &c.

Sir George Shee, Bart.,
&c. &c. &c.

(Signed) R. B. HOPNER.

No. 60.

Viscount d'Asseca to Viscount Palmerston.

Monsieur le Vicomte,

Londres, ce 23 Août, 1831.

TROIS semaines se sont écoulés déjà depuis que j'eus l'honneur d'adresser à votre Excellence ma pressante communication en date du 1^{er} de ce mois, pour lui transmettre, par ordre de ma cour, une copie de la protestation solennelle remise par Son Excellence M. Le Vicomte Santarem à M. Le Baron Roussin, contre la prise de possession de l'escadre Portugaise, dont cet Amiral Français s'est emparé dans le port de Lisbonne, au mépris de tout droit et raison, et pour réclamer l'intervention amicale et l'appui du Gouvernement de Sa Majesté Britannique contre la consommation de cet acte d'injustice et de violence, ainsi qu'à l'effet d'engager le Gouvernement Français à faire le plutôt possible éloigner sa propre escadre du Tage.

N'ayant encore reçu aucune réponse de votre Excellence, je me trouve dans la nécessité, à la suite des prescriptions positives de mon Gouvernement, de renouveler à votre Excellence les mêmes demandes, avec d'autant plus d'empressement, qu'à la date du 6 de ce mois, l'Amiral Roussin se trouvait encore devant Lisbonne avec une grande partie de son escadre, sans faire aucun préparatif de prochain départ, et se servant au contraire de toutes sortes de prétextes, et élevant des prétentions par trop déraisonnables et hors de saison, comme celle qui est constatée par l'extrait ci-joint d'une dépêche de M. Le Vicomte de Santarem, pour prolonger indéfiniment son séjour dans le Tage, en contravention aux engagements formels auxquels il a souscrit, et à ses promesses plusieurs fois réitérées, et en dépit des réclamations instantes de mon Gouvernement.

Le but avoué de l'entrée de l'escadre Française ayant été immédiatement rempli, par l'exécution pleine et entière, de la part de mon Gouvernement, de la Convention conclue et signée avec le susdit Amiral François, le 14 Juillet dernier, après la cessation des hostilités, vous conviendrez sans doute, my Lord, qu'il est très injuste et même on ne peut plus révoltant, que l'acquit fidèle de nos engagements n'a pas été suivi de l'exécution aussi franche et parfaite des engagements contractés dans la même Convention au nom du Gouvernement Français, qui ne peut ni éluder ni retarder l'accomplissement des stipulations qui déterminent le prompt départ de son Escadre des eaux de Lisbonne, sans encourir le reproche de la plus insigne mauvaise foi.

Au moment où l'Amiral Français, à la faveur de la contrainte que nous occasionnent la présence et l'attitude hostile de son escadre, cherche à entamer avec mon Gouvernement des négociations étrangères à sa mission publique et avouée, pour assurer à la France des avantages de commerce auxquels la Grande Bretagne seule a droit, après qu'il a déjà obtenu par importunité quelques concessions préliminaires exigées sous le prétexte de la défaveur qui frappe le commerce Français à Lisbonne comparativement au commerce de l'Angleterre, et tendantes à mettre le commerce de la France en Portugal au même rang que celui de la Grande Bretagne, vous ne serez pas étonné, Monsieur le Vicomte, que j'insiste vivement et efficacement auprès de vous, dans l'intérêt commun de l'Angleterre et du Portugal, à faire en sorte de nous délivrer le plutôt possible de ces hôtes incommodes, dont le séjour prolongé à Lisbonne donne encore droit à soupçonner quelque autre but politique moins noble et

moins loyal, dont le dénouement futur pourrait conduire à d'affreuses calamités qu'il est sage et prudent de prévenir.

Je n'ajouterai aucune autre observation à celles que j'ai soumises à votre Excellence par mes écrits précédens, sur le cruel abus de la supériorité des forces, dont mon Gouvernement a ressenti et ressent encore les funestes effets, en conséquence de l'abandon non-mérité auquel l'Angleterre l'a condamné, en s'oubliant des obligations claires et précises que lui imposaient nos anciens Traités, de prendre fait et cause pour le Portugal contre une agression aussi injuste. Mais je ne puis me dispenser d'invoquer de nouveau ces mêmes Traités en faveur de mon Gouvernement, et très spécialement les Articles 2 et 3 du Traité de 1703, d'après lesquels j'aime à espérer, qu'ayant pris connaissance de la véritable situation actuelle des choses, le Gouvernement de Sa Majesté Britannique ne tardera pas à faire les démarches nécessaires près le Gouvernement Français pour obtenir la restitution de l'escadre Portugaise, en réclamant hautement contre une spoliation aussi scandaleuse ; et qu'il ne souffrira pas que son ancien Allié soit dépossédé par surprise et violence, et au mépris du droit des gens, presque en totalité des seuls bâtimens de guerre qui lui restent ; et je me flatte aussi que le Gouvernement de Sa Majesté Britannique sentira la convenance et toute l'urgence de presser et d'insister sur le départ immédiat de l'escadre Française de Lisbonne.

J'attends toujours avec anxiété une réponse de votre Excellence, et je
 suis, &c.

(Signé) VICOMTE D'ASSECA.

Vicomte Palmerston,
 &c. &c. &c.

(Translation.)

My Lord,

London, 23d August, 1831.

THREE weeks have now elapsed since I had the honour to address your Excellency my pressing communication, dated the 1st instant, for the purpose of transmitting to you, by order of my Court, a copy of the solemn Protest delivered by his Excellency Viscount de Santarem to Baron Roussin, against the seizure of the Portuguese squadron, which the French Admiral has taken possessed of in the Port of Lisbon, in contempt of all right and reason, and of claiming the friendly intervention and support of the Government of His Britannic Majesty, in preventing the consummation of this act of injustice and violence, as well as for the purpose of inducing the French Government to withdraw its own squadron from the Tagus as soon as possible.

Not having as yet received any answer from your Excellency, I find myself under the necessity, in conformity with the positive instructions of my Government, of renewing to your Excellency, the same demands, and I do so with the greater earnestness, because on the date of the 6th instant, Admiral Roussin was still before Lisbon with a great part of his squadron, without making any preparation for an early departure ; but, on the contrary, availing himself of all kinds of pretexts, and bringing forward pretensions by far too unreasonable and out of season, such as that which is recorded in the annexed extract of a despatch from M. de Santarem, in order to prolong indefinitely his stay in the Tagus, in contravention of the formal engagements to which he has subscribed, and of his reiterated promises, and in despite of the pressing demands of my Government.

The avowed object of the entry of the French squadron into the Tagus having been at once accomplished, by the full and entire execution by my Government of the Convention concluded and signed, with the above-mentioned French Admiral on the 14th of July last, after the cessation of hostilities, you will my Lord, without doubt, allow that it is very unjust, and even most revolting, that the faithful performance on our part of our engagements should not have been followed by a fulfilment as frank and perfect of those engagements by the Government of France, which can neither elude nor retard the fulfilment of the stipulations which enjoin the speedy departure of its squadron from the

waters of Lisbon, without incurring the reproach of the most signal bad faith.

At the moment that the French Admiral, under favour of the constraint which the presence and hostile attitude of his squadron occasions to us, in seeking to enter with my Government into negotiations foreign to his public and avowed mission, for the purpose of securing to France commercial advantages to which Great Britain alone has a right, and after he has already by importunity obtained some preliminary concessions, and which were demanded under the pretext of the disadvantage under which French commerce is placed at Lisbon when compared with that of England, and which tend to place the commerce of France in Portugal on the same footing as that of Great Britain, you will not be astonished, my Lord, that I should earnestly and forcibly insist with you, with a view to the common interest of England and Portugal, to procure our deliverance as soon as possible, from these troublesome guests, whose prolonged stay at Lisbon gives us moreover the right to suspect some other less noble and loyal political end, the future development of which might lead to dreadful calamities, which it is wise and prudent to prevent.

I will not add any further observations to those which I have already submitted to your Excellency in my former notes, relative to the cruel abuse of superior force, of which my Government has felt, and still feels the fatal effects, in consequence of the unmerited abandonment to which England has condemned it, by forgetting the clear and precise obligations which our ancient Treaties imposed upon her, of taking part with Portugal against so unjust an aggression. But I cannot forbear from again invoking those same Treaties in favour of my Government, and more particularly the second and third Articles of the Treaty of 1703, in accordance with which I flatter myself that the Government of His Britannic Majesty having become acquainted with the true and actual state of affairs, will not delay taking the necessary steps with the French Government in order to obtain the restitution of the Portuguese squadron, by protesting loudly against so scandalous a spoliation; and that they will not allow that their ancient Ally should by surprise and violence, and in contempt of the law of nations, be dispossessed, of nearly the whole of the ships of war which still remain to it; and I likewise flatter myself that the Government of His Britannic Majesty will feel the expediency and the absolute necessity of urging and insisting upon the immediate departure of the French squadron from Lisbon.

I wait with anxiety for your Excellency's reply, and avail myself, &c.
 Viscount Palmerston, (Signed) VISCOUNT D'ASSECA.
 &c. &c. &c.

Enclosure in No. 60.

Viscount Santarem to Viscount d'Asseca.—(Translation.)

(Extract.)

Palace of Queluz, 30th July, 1831.

AN unpleasant occurrence has afforded to the Admiral a pretext for a very smart altercation with us.

This was no other than the publication of a Supplement to the *Correio de Porto* respecting the events of the 11th. Though I might have been able to provide a remedy, and soothe the Admiral on this subject, yet it having come to his knowledge that the Minister of Justice had addressed to the Conservator of the University of Coimbra an exposition of these same occurrences, which they printed and published there, he was extremely exasperated.

He demanded the publication of the Convention of the 14th, with a preamble highly humiliating to us; and though he could not lay down any condition for the departure of the squadron at the term fixed in Article 20, yet made he this departure depend on that publication in the Government Gazette.

I immediately perceived the great inconvenience that would result from such a publication, namely:—1. The humiliation of the Preamble. 2. The repetition of the publication of the satisfactions demanded by France within twenty-four hours, and which would afford fresh grounds for irritation among the people. 3. The moral importance of satisfying the public that very great

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advantages would be obtained by the Convention, an impression which the above publication would destroy.

I was therefore solicitous to offer to the Admiral a dilemma, by which I left him the alternative either of fulfilling the twentieth article of the Convention; or of giving up the publication of the Convention.

In effect, by means of the note which I addressed to him, and of the immediate conference which he held with me, it was agreed, that, instead of the publication of the Convention with the preamble referred to, I should draw up an article which should be decorous, and should simply state facts.

I have the honour to be, &c.

Viscount d'Asseca, (Signed) **VISCOUNT DE SANTAREM.**
&c. &c. &c.

No. 61.

Viscount Palmerston to Viscount Granville.

My Lord,

Foreign Office, August 24, 1831.

BY the last accounts received by His Majesty's Government from Lisbon, it appears that though five sail of the French line of battle ships had left the Tagus for Toulon, there still remained in the port of Lisbon a French three decker, and four large frigates, and some smaller vessels; and it was stated that Admiral Roussin, who commanded that force, had made contracts for a month longer.

The frank and honourable conduct of the French Government towards His Majesty's Government upon the subject of the French expedition to the Tagus, commands the fullest confidence on that subject on the part of His Majesty's Government, and the return of the five sail of the line to Toulon after the object of the expedition had been accomplished, was in perfect conformity with the intentions previously announced.

In adverting, therefore, to the prolonged stay of the remaining part of the French squadron in the Tagus, His Majesty's Government do not mean to express any feeling of jealousy or distrust; but they are desirous of obtaining some explanation as to the intended duration, and as to the objects of that stay.

Your Excellency is instructed, therefore, to seek for information on these points from the French Government, taking care to make the enquiry in such a manner as not to indicate any doubt or distrust on the part of His Majesty's Government as to the faithful fulfilment by the French Government of the assurances given by them with respect to the departure of the French fleet from the Tagus, when the satisfaction which was demanded should have been obtained.

I have the honour to be, &c.

Viscount Granville, (Signed) **PALMERSTON.**
&c. &c. &c.

No. 62.

Viscount Palmerston to Viscount d'Asseca.

M. le Vicomte,

Foreign Office, 25th August, 1831.

I HAVE had the honour of receiving your letter of the 23rd instant, in which you request the interference of the British Government with that of France, to obtain the restitution of the Portuguese ships of war which were captured in the Tagus by the French squadron.

Having given to this request the most attentive consideration, and having referred the question respecting this capture to legal authority, I have to inform you that, according to the Law of Nations, as applicable to the circumstances in which the ships were taken, they appear to be good prize of war. There is, therefore, no ground of right upon which His Majesty's Government could found such a representation as that which you request them to make.

I have the honour to be, &c.

Viscount d'Asseca, (Signed) **PALMERSTON.**
&c. &c. &c.

Viscount d'Asseca to Viscount Palmerston.

M. le Vicomte,

27 *Abut.*, 1831.

QUOIQU'IL me soit extrêmement pénible d'apprendre, par l'office que votre Excellence m'a fait l'honneur de m'adresser en date du 25 de ce mois, que le Gouvernement de Sa Majesté Britannique semble envisager les représentations de mon Gouvernement au sujet de la prise de possession, dans le port de Lisbonne, par l'Amiral Roussin, des bâtimens de la Marine Royale Portugaise, sous un point de vue contraire à nos espérances, fondée sur le droit public de toutes les Nations, et plus encore sur la lettre et l'esprit de nos Traités existans, par lesquels l'Angleterre s'est imposée l'obligation, explicitement exprimée, de garantir le Portugal contre toute agression ennemie, et contre les empiètemens de toute espèce, de la part des Puissances Etrangères, je ne puis me résoudre à penser que votre Gouvernement, encore même qu'il s' imagine, bien certainement à tort, que la Grande Bretagne n'est point appelée en droit à réclamer contre cet acte de spoliation, commis sur son ancien et fidèle Allié, ne se sera pas rendu tout à fait insensible à nos instantes sollicitations. J'aime, au contraire, à ne pas abandonner l'espoir de savoir bientôt par votre Excellence, que Sa Majesté Britannique, ayant égard à l'état de contrainte et de souffrance où nous nous trouvons vis-à-vis une puissance formidable, qui, non contente de nous avoir fait la loi la plus cruelle, tout en nous vantant sa générosité, nous accable aujourd'hui d'une oppression morale extrême, comme si elle cherchoit à consommer notre ruine, se sera empressé à employer pour le moins ses bons offices et ses vives rémonstrances près le Gouvernement Français, pour l'engager à ne pas nous dépouiller de notre flotte, au mépris de la déclaration faite par l'Amiral Roussin, le 11 Juillet, renfermant la proposition formelle, acceptée par mon Gouvernement, et devenue ainsi respectivement obligatoire pour lui et pour nous, de traiter *aux mêmes conditions* qu'avant son entrée dans le Tage, attendu d'ailleurs que toutes les exigences de la France, dont quelques unes portoient avec elles l'empreinte du plus violent outrage, ont été satisfaites sans distinction ni modification quelconque. Je vous repète, M. le Vicomte, que je me plais à rassurer mon Gouvernement à cet égard, telle est la haute idée que j'ai conçue de la loyauté et de la générosité Anglaise.

Il est encore un point sur lequel je dois appeler derechef la plus sérieuse attention de votre Excellence, celui du séjour trop prolongé de l'Amiral Roussin à Lisbonne avec des forces navales très considérables. Cette conduite de sa part est une autre et bien criante infraction des engagemens formels contractés par lui dans la Convention conclue le 14 Juillet; et ce qui la rend plus grave et plus intolérable, c'est l'empressement qu'il témoigne et l'importance qu'il attache à stimuler et à entraîner ma cour, ainsi que j'en ai informé Votre Excellence par ma dernière communication du 23 de ce mois, à accorder à sa nation des avantages de commerce qui placeroient la France dans ses rapports mercantils avec le Portugal, sur le même rang que l'Angleterre, ce qui contrarie et embarrasse fortement le Gouvernement du Roi Mon Auguste Souverain.

Je dois ajouter qu'à la date des dernières dépêches que j'ai reçues de mon Gouvernement, tout faisoit présumer que la flotte Française ne quitterait pas le Tage de quelque tems. Cependant Votre Excellence ne disconvient pas que plus le Gouvernement Français persiste à la conserver devant Lisbonne, plus il devient difficile à mon Gouvernement de calmer l'inquiétude et l'irritation que la première agression, et puis le séjour et l'attitude hostile de trop longue durée des Français dans le Tage, ont déjà produit sur l'esprit du peuple, quelques efforts que l'autorité suprême fasse pour y parvenir, quelque persévérante qu'elle se montre, et quelque zèle qu'elle apporte à rendre efficaces les mesures sévères qu'elle a dictées pour tranquilliser la nation, pour prévenir et réprimer les désordres et les excès de la populace, et pour assurer à tous les étrangers, ainsi qu'aux paisibles habitans de toutes les classes, la protection qui leur est due.

J'ose me flatter, M le Vicomte, que vous reconnoîtrez l'urgence des circonstances que m'obligent à vous adresser les observations, et à vous renouveler les demandes contenues dans cet office, et qu'en avisant aux moyens de faire éloigner promptement toute l'escadre Française de Lisbonne, ainsi que vous avez droit de le demander à la France en vertu de nos Traités, vous voudrez bien concourir à dissiper les justes appréhensions de mon Gouvernement.

Je prie Votre Excellence, &c.

Vicomte Palmerston.

&c. &c. &c.

(Signé) VICOMTE D'ASSECA.

(Translation.)

My Lord,

London, 27th August, 1831.

ALTHOUGH it is extremely painful to me to learn, by the letter which your Excellency has done me the honour to address to me on the 25th instant, that His Britannic Majesty's Government appears to regard the representations of my Government, relative to the seizure of the vessels of the Royal Portuguese navy by Admiral Roussin, in the port of Lisbon, in a point of view unfavourable to our hopes, founded as they are upon the public law of all nations, and still more upon the letter and the spirit of our existing Treaties, by which England has contracted the obligation, explicitly expressed, of guaranteeing Portugal against all hostile aggression, and against encroachments of every kind on the part of foreign Powers, I cannot persuade myself that your Government, notwithstanding it conceives,—most certainly erroneously,—that Great Britain is not called upon of right to remonstrate against this act of spoliation committed upon her ancient and faithful Ally, has become wholly insensible to our earnest solicitations. On the contrary, I cannot abandon the hope of soon learning from your Excellency, that His Britannic Majesty, considering the state of constraint and suffering in which we are placed, with regard to a formidable Power, which, not content with having imposed upon us the most cruel conditions, at a time when it was boasting of its generosity towards us, now overwhelms us with an extreme moral oppression, as if seeking to complete our ruin; I cannot, I repeat, refrain from hoping that His Majesty will now hasten to to employ at least his good offices, and energetic remonstrances with the French Government, in order to induce it not to deprive us of our fleet, as such a proceeding would be contrary to the declaration made by Admiral Roussin on the 11th of July, containing the formal proposition, accepted by my Government, and which had thus become reciprocally binding both upon him and upon us, to treat *upon the same conditions* as before his entry into the Tagus; and seeing, moreover, that all the demands of France, some of which bore the character of the most violent outrage, have been satisfied without any distinction or modification whatever. I repeat to you, my Lord, that it is a gratification to me, to reassure my Government upon this point, such is the high opinion which I have formed of English honour and generosity.

There is another point to which it is my duty again to call your Excellency's most serious attention, namely, the too protracted stay of Admiral Roussin at Lisbon, with very considerable naval force. This conduct in his part is another and a most grievous infraction of the formal engagements contracted by him in the Convention concluded on the 14th July; and what renders it more serious and more intolerable, is the anxiety which he manifests in urging and inducing my Court, as I informed your Excellency in my last communication of the 23d instant, to grant to his nation commercial advantages which would place the mercantile relations of France upon the same footing as those of England, and the importance which he attaches to that object, is a circumstance which greatly annoys and perplexes the Government of the King, my august Sovereign.

I should add, that, at the date of the last despatches which I have received from my Government, there was every reason to presume that the French fleet would not quit the Tagus for some time. Your Excellency, however will not deny, that the longer the French Government persists in retaining it before Lisbon, the more difficult it becomes for my Government to calm the uneasiness and irritation which the first aggression, and subsequently the too

protracted stay and hostile attitude of the French in the Tagus, have excited in the minds of the people, and this in spite of every effort which the supreme authority can make to attain that object, and whatever perseverance it may demonstrate, and whatever energy it may employ in rendering efficacious those measures of severity which it has adopted for the preservation of the public tranquillity, for the prevention and repression of disorders and excesses of the populace, and for the assurance to all strangers, as well as to all peaceable inhabitants of every class, of the protection to which they are entitled.

I venture to flatter myself, M. le Vicomte, that you will acknowledge the urgency of the circumstances, which impel me to address these observations to you, and to renew the requests contained in this letter; and that, by concerting measures to effect the prompt departure of the whole of the French Squadron from Lisbon, a departure which you have a right to demand from France, by virtue of our Treaties, you will contribute to dispel the just apprehensions of my Government.

I request your Excellency, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) VISCOUNT D'ASSECA.

No. 64.

Viscount Granville to Viscount Palmerston.—(Received August 30.)

My Lord,

Paris, 27th August, 1831.

I HAVE lost no time in executing the instructions contained in your Lordship's despatch, of the 24th instant, which I received this morning.

I no sooner mentioned to Count Sebastiani this evening the wish of His Majesty's Government to obtain some explanation as to the intended duration and objects of the stay of a portion of the French fleet, which had remained in the Tagus after the departure of the five sail of the line for Toulon, than he said to me that orders had been given some time ago to withdraw all the remaining ships, and that he had no doubt that at this moment there was not a single French pendant flying in the Tagus.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) GRANVILLE.

A.

PAPERS

RELATIVE TO

PORTUGAL.

CORRESPONDENCE

RELATIVE TO

THE BRITISH DEMANDS

UPON THE

Government of Portugal,

SUBSEQUENT TO THE 30TH AUGUST, 1831.

LONDON:

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1831.

CORRESPONDENCE

RELATIVE TO THE

BRITISH DEMANDS.

LIST OF PAPERS.

	Page
No. 1. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon,27 August, 1831.	1
No. 2. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon,27 August, —	5
No. 3. R. B. Hoppner, Esq. to Viscount PalmerstonLisbon,27 August, —	6
No. 4. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon,27 August, —	7
No. 5. Captain Markland... to Sir James Graham...H.M.S. Briton, Lisbon, 27 August	9
No. 6. Viscount d'Asseca... to Viscount PalmerstonLondon, 7 Sept. —	10
No. 7. Viscount Palmerston to Viscount d'AssecaForeign Office, 20 Sept. —	11
No. 8. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 7 Sept. —	11
No. 9. Viscount Palmerston to R. B. Hoppner, Esq.....Foreign Office, 9 Sept. —	13
No. 10. Sir George Sheeto R. B. Hoppner, Esq.....Foreign Office, 9 Sept. —	14
No. 11. R. B. Hoppner, Esq. to Viscount PalmerstonLisbon, 10 Sept. —	16
No. 12. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon,10 Sept. —	17
No. 13. Viscount d'Asseca... to Viscount Palmerston.....London,14 Sept. —	19
No. 14. Viscount Palmerston to Viscount d'Asseca.....Foreign Office, 20 Sept. —	23
No. 15. Baron Ompteda..... to Viscount Palmerston... Grosvenor-place, 15 Sept. —	23
No. 16. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon,26 Sept. —	23
No. 17. R. B. Hoppner, Esq. to Sir George Shee Lisbon 23 Sept. —	24
No. 18. R. B. Hoppner, Esq. to Viscount Palmerston.....Lisbon, 24 Sept. —	29

CORRESPONDENCE

RELATIVE TO

THE BRITISH DEMANDS

ON

PORTUGAL,

SUBSEQUENT TO THE 30th AUGUST, 1831.

No. 1.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received September 9.)

(Extract.)

Lisbon, 27th August, 1831.

IT becomes now my painful duty to make your Lordship acquainted with the very hostile feeling expressed against the English generally by the Royalist or Miguellite party, since the night of the 21st. They say that the 4th regiment were stimulated to revolt by the English, nor could I in any way account for this assertion, than which nothing can be more absolutely unfounded, until I was assured that amongst the vivas for Don Pedro, Donna Maria, and the constitution, were intermingled some also for the King of Great Britain, the English Ministry, and the English nation. Whether this was in the hope of obtaining the assistance of the English residents I know not; but I have no hesitation in saying that not an Englishman took any share in the movement, nor, if it was preconcerted, was aware of it beforehand. In addition to the two most aggravated cases of assault with which your Lordship will be put in possession by the enclosed documents, several other comparatively trifling cases of insult have occurred, but I am also informed that these misnamed royalists have visited the shops of several tradesmen, have ordered them to produce their English goods, which, by piercing them with their swords and bayonets, they have instantly rendered useless, at the same time beating and insulting the shopmen, and uttering opprobrious terms against the English nation, and saying that they wished to be the masters here, but shall not. Under these circumstances, Captain Markland thought it would be more advisable to order His Majesty's ship *Dispatch* to anchor off the Praça do Commercio, conceiving that the more immediate vicinity of a ship of war might prove a check, and at all events that in any case that might occur she would be more at hand as a place of refuge if necessary. I conceived it best at once to state to M. de Santarem the motives which had induced the *Dispatch* to change her position in the river; and accordingly addressed the accompanying note, No. 5, to that Minister with this intent. This brought from his Excellency the demand of a more explicit explanation, accompanied by a remonstrance on account of a pretended infraction of the port regulations, to

which I immediately sent him an answer, which I may presume satisfactory, as nothing further has been said on the subject.

But to revert to the aggressions which I have had to complain of since the 11th ultimo,—your Lordship has been made regularly acquainted with them, and in the case of Messrs. Fitzroy and Parnell, of the expectations held out that the culprits should be punished. The others, after a pretended judicial examination seem to have been suffered to drop by this Government, nor from the difficulty of identifying the individuals complained of have I thought there would be the slightest use in following up my remonstrances. The case of those two gentlemen is different, because the offenders being taken, I can and shall insist on their punishment. Barbarous however as was the assault committed upon them, the new outrage on Mr. Graveley assumes a still more serious aspect. He was deliberately attacked as a British subject, although shewing his privilege which ought to have ensured him protection, and which he carried about him for that purpose; and received the first blow from the officer commanding the detachment that assailed him, who expressly said that it was as an Englishman that he struck him. He subsequently received several bayonet wounds, one of which nearly proved mortal, and many blows with the butt end of their muskets until the soldiers conceived they had dispatched him.

From the above details, and the accompanying notes, Nos. 1 and 3, which I have addressed to M. de Santarem, your Lordship will be enabled to form a faint idea of the state of alarm and anxiety which prevail here, not only among the inhabitants generally, but among the British subjects, to whom this character has ceased to be a protection, exposing them on the contrary to violence and insult. Yet I beg your Lordship to mark how the case stands with regard to them. During nearly eight months that I have been here, not a single specific complaint has been addressed to me, on the part of the Portuguese Government, against any of the English residents. On the other hand, how many representations has it not been my painful duty to make to the Portuguese Government against the cruelty and acts of injustice inflicted on my fellow subjects.

It is now only three days since an open attempt was made at 4 o'clock in the afternoon, and in one of the most public and frequented places in Lisbon (on the Caes do Sodre), to assassinate Captain Raffy, of the French corvette, *Eglé*; and although the assassin was taken in the act by some French officers, who ran to his assistance, and delivered into the hands of the police, he was suffered by them to escape; though retaken, he will probably not be punished, and certainly not with the severity due to such a crime.

That something may speedily be done to secure the personal safety of His Majesty's subjects, is now my earnest prayer.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 1.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 23rd August, 1831.

THE enclosed letter has been addressed to me by Mr. Graveley, a subject of His Britannic Majesty, and represents the cruel treatment he experienced, from a party of so called royalists, as he was yesterday morning coming to town to follow his avocations as a teacher of the English language.

Much as I lament the cause which has again led to the excitement of a set of men who appear neither to have the power nor the inclination to bridle their passions, still I cannot refrain from calling your Excellency's attention to the conduct of the major of this corps, on the present occasion, because this man, from the rank he holds, is presumed to have a better education, and is raised

above his companions, in order by his example and authority, to guide and controul those who are subjected to his command.

I have recently had more than one occasion to remark to your Excellency on the hostile feelings expressed by this class of persons against His Majesty's subjects. The present is another most striking and alarming instance of it, nor since the unfortunate affair of Sunday night is it the only one that has come to my knowledge, as I shall most probably have occasion to state more explicitly to your Excellency. The Portuguese Government when made aware of it, will probably think it incumbent on them to restrain this feeling; and as a means of doing so, it occurs to me that no more efficacious method could be hit upon than to visit the major's conduct, or neglect on the occasion alluded to, in allowing a British subject, to be so barbarously assailed by the men under his orders, to the severest expression of their displeasure; I also feel it my duty, to require some compensation for Mr. Graveley, commensurate with his sufferings, and the loss of his valuable time, to which he is exposed by the cruel treatment he has experienced; and in submitting these claims, and the cause which has given rise to them to your Excellency, I further beg leave to remind you, that the loyalty of this corps, however gratifying it may be to those in whose behalf it is displayed, is calculated, when exercising itself in the manner described in Mr. Graveley's letter, to give rise to consequences which it is the duty of the Portuguese Government, as I conceive it is also their interest, to make them understand by infusing into them a spirit more congenial with the usages of civilized nations, and more accordant with their relations with other powers.

Since writing the above, I have learnt from Mr. Graveley, that it was the major of this corps himself, who encouraged his people to attack him, giving him the first blow, and saying that his privilege should not protect him. I therefore insist, Sir, upon this man's being most severely punished, for his insolent and barbarous conduct, which I shall not fail to represent to my Government in the strongest language I can command.

I have the honour to be, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
 &c. &c. &c.

Enclosure 2 in No. 1.

Charles Milton Graveley, Esq. to R. B. Hoppner, Esq.

Sir,

Lisbon, 22d August, 1831.

ON coming early this morning from my house, at Bemfica, to Lisbon, I met a battalion of royalists, commanded by a Major; on seeing me, one of the men called out, "here comes a Frenchman, *kill him*," and struck me with the butt end of his musket. Recovering from the blow which stunned me a little, I addressed myself to the Major, and told him I was an Englishman, and shewed him my privilege as such, which the soldiers, on hearing, said, "that is still worse, *kill him*." They then struck me again with the butt ends of their muskets on the head and different parts of my body, and wounded me with their bayonets, and supposing they had accomplished their end, they then left me.

I have the honour to be, &c.

R. B. Hoppner, Esq. (Signed) CHARLES MILTON GRAVELEY.
 &c. &c. &c.

Enclosure 3 in No. 1.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 24th August, 1831.

ALTHOUGH cases may arise, wherein the subjects of His Britannic Majesty, even while pursuing their ordinary avocations, may inadvertently

place themselves in situations where they would be exposed to insult and aggression, the natural consequences, it appears, of the troubled state of this country, such a remark cannot apply to an individual who is following his regular business within-side of his shop. In transmitting, therefore, to your Excellency the enclosed complaint of Mr. Matthews de Bono, I do so in perfect confidence that Ensign Joaquim Antonio de Mattas will receive the punishment that is his due, for the deliberate insult offered by him to an unoffending British subject.

I have the honour to be, &c.

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
&c. &c. &c.

Enclosure 4 in No. 1.

Mr. Bono to R. B. Hoppner, Esq.

Sir,

Lisbon, 24th August, 1831.

I AM under the necessity of laying before you the statement of an act of violence committed in my shop, on Monday morning last, by an Ensign of the fourth regiment of infantry, name Joaquim Antonio de Mattos, who, without any provocation whatever, approached my partner, a Maltese, who was then counting money, took up a book, threw it at his face, and then drew his sword and struck him a violent blow on the head, and after abusing him left the shop.

Begging you interference and protection against similar brutal acts of violence, I have the honour to be, &c.

R. B. Hoppner, Esq. (Signed) MATTHEWS DE BONO.
&c. &c. &c.

Enclosure 5 in No. 1.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 23d August, 1831.

I HAVE the honour to inform your Excellency, that, in consequence of the repeated assaults upon British subjects, and the insolent language they receive from a set of lawless ruffians in this city, acting, apparently, under authority, though disavowed by the Government of the Country, Captain Markland has ordered His Majesty's ship *Dispatch*, to anchor off the Praça do Commercio, for the more effectual protection of His Majesty's subjects, the *Briton* remaining at her present anchorage, for that of such of them as reside at Buenos Ayres.

I have the honour to be,

His Excellency Viscount de Santarem, (Signed) R. B. HOPPNER.
&c. &c. &c.

Enclosure 6 in No. 1.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir,

Foreign Office, 24th August, 1831.

ACKNOWLEDGING the receipt of the note you addressed to me under yesterday's date, in which you informed me that Captain Markland had given orders for the corvette *Dispatch* to anchor opposite the Praça do Commercio, and this under the pretext of *affording more effectual protection to British subjects*; and such an arbitrary step being a manifest violation of the regulations of the port of Lisbon of the 7th June, 1811, and 2nd May of the present year, I

cannot refrain from requiring of you to declare with all possible dispatch, what sort of protection it is that you suppose the British corvette there at anchor will be able to afford to the subjects of His Britannic Majesty.

God preserve you.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

Enclosure 7 in No. 1.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 24th August, 1831.

HAVING received the note which your Excellency did me the honour to address to me under this day's date, I hasten to inform you that Captain Markland's instructions from his Government being to afford protection to the persons and property of His Majesty's subjects resident in Lisbon, and the regulations of the port of Lisbon to which your Excellency refers, relating to merchant vessels, and not prescribing any particular spot where the ships of His Britannic Majesty are to anchor, those of the 2nd of May of this year referring to the ships of war of such States as have no Treaties with Portugal, that officer conceives himself fully at liberty to place the ships under his command in any part of the river where, in his judgment, they would be most at hand for the object for which they were sent. Your Excellency requiring to know the nature of the protection which it is intended that His Majesty's ship *Dispatch* shall afford to British subjects, I beg to remind you of the troubled state of the country, and the impossibility of foreseeing what circumstances may arise, while the insults and injuries even now heaped upon British subjects of which I have unfortunately had repeated cause to complain, and the threats to which they are daily exposed, sufficiently show the necessity of the step taken by Captain Markland in placing this vessel near that part of the town which is their chief residence and resort, to afford them a place of refuge in any case that may arise.

I have the honour to be, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 2.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received September 9.)

(Extract.)

Lisbon, 27th August, 1831.

IN addition to the representations which I have recently made to the Portuguese Government on the subject of the ill treatment experienced by His Majesty's subjects in this country, as referred to in my other dispatch, of this day's date, I have herewith the honour to transmit to your Lordship two other letters with their enclosures, forwarded by me to that Minister illustrative of the state of Lisbon.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 2.

R. B. Hoppner, Esq. to Viscount de Santarem.

Sir,

Lisbon, 27th August, 1831.

I AM really at a loss for fresh terms in which to address your Excellency on the repeated insults offered in this city to my countrymen, which appear to

increase with the complaints it is my melancholy duty to make of them. Scarcely a day passes in which some new act of aggression does not come to my knowledge, and the violent and acrimonious expressions with which they are accompanied, have thrown His Majesty's subjects, resident in Lisbon, into the greatest alarm.

I have now the honour to transmit to your Excellency the accompanying representation made to me by Mr. Dominick Duff, the son of one of the most opulent and respectable merchants of this capital, and I again earnestly call upon your Excellency to move the Portuguese Government to take the most immediate and energetic measures to put a stop to the scandalous conduct of a class of individuals now infesting the streets of Lisbon, and who, under pretext of loyalty to the Government, commit daily infractions of the laws of the kingdom, bring disgrace upon the authority of the Government, and must shortly draw down upon it the vengeance of other Powers who have committed their subjects to the faith of Treaties, which assure to them every kind of protection in the pursuit of their lawful avocations.

I have the honour to be, &c.

His Excellency Viscount de Santarem,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure 2 in No. 2.

Mr. D. French Duff to R. B. Hoppner, Esq.

Sir,

Lisbon, 26th August, 1831.

I BEG leave to inform you of a most gross and unprovoked insult offered to me this morning by one of the lawless ruffians now infesting this city, named Captain Telles, who is in the pay of, or countenanced by the police, and who is notoriously known to hold every British subject in utter detestation.

Business having compelled me to go into the Rue Aurea, the above named person approached me in a menacing manner, and exclaimed that he was determined to murder and exterminate all the English in Lisbon.

A duty to myself and the British community in this city, obliges me to lay this circumstance before you, in the hope that you will be pleased to adopt some speedy means for putting a stop to such wanton attacks, which are now becoming so frequent and alarming, as to render it unsafe for British subjects to go on their lawful pursuits, through the streets of this city, and which must continue to be the case as long as Captain Telles and his gang are vested with authority to insult us with impunity.

I have the honour to be, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) D. FRENCH DUFF.

No. 3.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received September 9.)

My Lord,

Lisbon, 27th August, 1831.

WITH reference to that part of my despatch to your Lordship, of this date, relative to the barbarous assault on Mr. Graveley, I have herewith the honour to transmit to your Lordship the copies and translations of a note and its enclosure, which have just reached me from M. de Santarem, upon that subject. It is scarcely necessary for me to point out to your Lordship the attempt therein made to throw the blame of this insult (as M. de Santarem terms an atrocious act of assassination) from the Major commanding the detachment, to the soldiers who followed his example, and obeyed his orders.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure in No. 3.

Viscount de Santarem to R. B. Hoppner, Esq.—(Translation.)

Sir,

Palace of Queluz, 27th August, 1831.

HAVING, the moment I received your letter of the 23rd instant, written to the Colonel General of the Royalist Volunteers respecting the insult complained of by the British subject, Charles Milton Graveley, I have just received from the said Colonel General the despatch of yesterday's date, of which the enclosed is a copy, and by which you will perceive that a court of inquiry has been ordered to be instituted, that the aggressors may be punished with all the rigour of the law.

God preserve you.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

Sub-Enclosure in No. 3.

The Duke de Cadaval to Viscount de Santarem.—(Translation.)

Most Illustrious and Excellent Sir,

IN compliance with the Avizo, which your Excellency addressed to me under yesterday's date, accompanied by the despatch, in which the British Acting Consul-General complains of the insult committed by the Royalist Volunteers on the Englishman Charles Milton Graveley, I have the honour to acquaint your Excellency that I immediately ordered a court of inquiry to be instituted, that the aggressors may be punished with all the rigour of the military law, as they never shall be permitted with impunity to fail in discipline, which I wish should equal the loyalty and firmness of which, on critical occasions they have given such proofs, as were compatible with the situations in which they had been posted.

(Signed) DUKE DE CADAVAL.

No. 4.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received September 9.)

(Extract.)

Lisbon, 27th August, 1831.

I HAVE the honour herewith to transmit to your Lordship the accompanying letter which has been transmitted to me, at the moment of closing the mail, by several respectable merchants engaged in the cotton and woollen trade with this country.

At this very moment I have received three more complaints of most shameful assaults upon British subjects, one of which has had her property to a considerable amount maliciously destroyed, while another has been conveyed to prison on the charge of erecting a triumphal arch in 1826. This has been done by an order issued by the Intendant General of Police himself, in defiance of all law and justice, for what can such a circumstance, even if true, have to do with the passing occurrences in this country. With such a spirit prevailing against us, can any one, my Lord, be deemed in safety.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure in No. 4.

Sir,

Lisbon, 25th August, 1831.

WE, the undersigned British merchants, find ourselves under the necessity of troubling you, however unwillingly, with a statement of several occurrences which for some time past, and particularly of late, have threatened very materially to commit our interests in this country, and which, if they do not amount to a direct attack on our property, are equally ruinous in their consequences.

We beg leave to state to you, therefore, that several native merchants and shopkeepers indebted to us for property to a considerable amount have of late been arrested, not in the regular course of justice, nor even for crimes alleged, far less proved against them, but apparently at the caprice of a set of Ruffians of the lowest description, supported by the police. There is every likelihood of this system being carried to still greater lengths, and we have, therefore, the strongest reason to fear that the majority of our debtors, will be ruined, and as it is well known that they trade chiefly on our capital, it is evident that we shall eventually be the real sufferers by the excesses we complain of, and from which the laws of every country are bound to protect those who live under their jurisdiction.

Within the last few days, these outrages have been carried to a pitch hardly ever equalled in a civilised country; armed men having entered the shops of our customers, assaulting and wounding the owners, and destroying their property, injuries undoubtedly brought upon them, in a great measure, from their known friendship to the English.

This morning a party of them entered the premises of a respectable shopkeeper, beat his clerks, and destroyed part of his property, openly assigning as their reason for so doing, that he possessed British protection, to which he was entitled by his partner being a British subject.

These circumstances have naturally caused us great alarm, not only from the evil they have already occasioned, but from the fear that they are only a prelude to direct robbery, particularly, as the system of extorting money by threats, has already been acted upon.

Having submitted these grievances to your consideration, we have only to add our earnest request that you will be pleased to adopt such measures as you may deem expedient for speedily affording us that protection, which we so much require, and which we should look for in vain, from the Government of this country.

We have the honour to be, &c,

(Signed)

WILLIAM GRAHAM.
GEORGE ASHTON & Co.
RICHARD HODGSON & Co.
M'ANDREWS BROTHERS.
STABY RUSHTON & Co.
THOMAS SHANNON
WILLIAM CARRUTHERS.
WILLIAM HALLIDAY.
SMALLPIECE & PASLEY.
JOSEPH SHORE & SONS.
P. PROC. THOMAS SLATER.
JOSEPH SLATER PLATT.
WILLIAM ROBERTS.
PRING ADAM.
P. PROC. ROBERT MUNRO.
DONALD MUNRO.

JOHN OUGRAN.
JOHN WILBY.
JOHN AUGIER.
J. W. PAYANT.
CHARLES IRNSIDE & Co.
H. W. GOODAIR.
JOSEPH ELLISTON.
FINNIE, MEDLICOTT & Co.
SAMUEL KENDALL.
NICHOLAS JAMES.
WILLIAM BURNETT.
GEORGE CROFT.
GEORGE DOBSON.

Captain Markland to Sir James Graham.

(Extract.)

H. M. S. Briton, Lisbon, 27th August, 1831.

I HAVE the honour to inform you that an insurrection broke out in the 4th regiment of infantry in Lisbon last Sunday night. This regiment was denounced to the Government as being particularly disloyal, and was intended to be disarmed on Sunday night in the barracks; but being aware of it, at half-past nine they formed, and requested their officers to head them, and declare for Don Pedro, and Donna Maria, but they refused. Two officers at the barrack gate refusing their egress were shot. They then marched into the Rocio Square, where they were encountered by the armed police and a regiment of cavalry, these they routed for a time, but having expended all their ammunition (60 rounds) by 3 in the morning, they commenced a retreat, or rather disbanded themselves; above 500 were taken and sent on board hulks in the river. The loss on both sides is rated at more than one hundred, and very many wounded. Since then many arrests of all ranks have taken place, and the English are now particularly odious. One gentleman, Mr. Graveley, a teacher of the English language, on Monday morning, coming into town from Bemfica, was met by the royalist regiment, commanded by ——— who called him a French scoundrel; he said he was an Englishman, and showed his Carta do Privilegio; the answer was—so much the worse, and the officer cut him with his sword on his head and shoulders, and he received also five bayonet wounds from the soldiers—he is alive, but very ill. We shall have no redress—the fact is, that no Englishman is now safe.

I have ordered the *Dispatch* off the Praça do Commercio for the protection of our merchants in that quarter; and the *Briton* is above the packet stairs, near Mr. Hoppner's house. This movement of the *Dispatch* has given great umbrage to the Government, and Viscount Santarem has inquired of our Consul what protection I mean by placing a vessel there. My answer was—"that as his Government either could not or would not protect my countrymen, I would; and the *Dispatch* should remain there as a place of refuge."

I feel it my duty to state, that I much fear some desperate attempt will be made upon our countrymen, and I should recommend a stronger force being sent here forthwith: there are only five English vessels in the river, and the whole amount of tonnage is 706, so that in the event of the British Residents being forced to embark, I really know not what I can do.

The French Frigate and Corvette are still here: Captain Raffy of the Corvette was nearly assassinated on the 24th instant, in the Caes de Sodré, by a sailor belonging to one of the late men-of-war; he secured the wretch, and placed him in charge of the Police-Commodore. Captain Rabaudy immediately communicated this to Viscount Santarem, and insisted on the man's being tried within 48 hours, but was answered, it could not be done, according to the laws of Portugal, upon which the Commodore told him, that as a Commission was ordered to try the mutineers of the 4th regiment, they could institute another to try an assassin, and if not done, he would, at the end of that time, send the Corvette off the Caes de Sodré to protect his people at that landing place, and this day she has anchored off that place.

'Tis now nearly a month since the brutal attack upon the two Lieutenants of this ship, and though the men are known, and it was promised ten days since that they should be tried, still no further steps are taken, nor shall we have any remedy.

I have the honour to be, &c.

(Signed)

J. D. MARKLAND, Captain.

Sir James R. G. Graham, Bart.

&c.

&c.

&c.

Viscount d'Asseca to Viscount Palmerston.

Monsieur le Vicomte,

Londres, ce 7 Septembre, 1831.

AYANT reçu l'ordre de mon Gouvernement de porter à la connaissance de votre Excellence, la conduite de quelques Sujets Britanniques près de Lisbonne, et à Vianna, dans le Minho, en opposition aux vues qui se trouvent exprimées dans vos instructions à M. Hoppner, je m'empresse d'avoir l'honneur de vous transmettre la copie intégrale de la dépêche de M. de Santarem sur cet objet.

Je profite, &c.

Vicomte Palmerston,
&c. &c. &c.

(Signé) VICOMTE D'ASSECA.

(Translation.)

My Lord,

London, 7th September, 1831.

HAVING received the orders of my Government to bring to the knowledge of your Excellency, the conduct of some British Subjects near Lisbon, and at Vianna, in the Minho, a conduct which is opposed to the views expressed in your instructions to Mr. Hoppner, I hasten to have the honour to transmit to you an entire copy of the despatch of M. de Santarem on that subject.

I avail myself, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) VISCOUNT D'ASSECA.

Enclosure in No. 6.

Viscount de Santarem to Viscount d'Asseca.—(Translation.)

Palace of Queluz, 20th of August, 1831.

BY the instructions furnished by Lord Palmerston to the Consul-General of England in Portugal, dated the 14th January of this year, and a copy of which was communicated to me, that Minister gives to the functionary just mentioned the following directions :

“ You will not fail, however, to impress the British Subjects resident in Portugal, with the necessity of abstaining from all interference in her political discussions, and to explain to them, that they will have to suffer all the consequences that may result to them from any violation, on their part, of the laws of that country.”

The British Government transmitted these instructions not only to its agent in Lisbon, but also to the other Powers of Europe. In spite, however, of the principles which they contain, and of the obligations imposed, as well on that agent, as on the British Subjects, the conduct of some of them has been, latterly, and more especially since the entrance of the French Squadron into the Tagus, extremely offensive, and contrary to the laws of hospitality, and to the rights of nations. It would seem that these turbulent individuals wish to find pretexts for occasioning fresh disputes between the two Governments. From the abstract annexed to the present despatch, your Excellency will become acquainted with the scandalous conduct of excitement to a revolt held by a captain of an English ship. Not less scandalous was the behaviour adopted some days ago, not far from the coast, at Cintra, by several other English Subjects, and which is known from the depositions made on the occasion, in insulting some Portuguese of distinction who took their dinner at that place, in giving utterance to horrible invectives against the Government, and in proposing toasts to universal liberty, and to the twentieth of September next, on which, by their account, Dom Pedro was to arrive to hurl his august brother from the throne. On the days during which the troops were assembled, several British

Subjects gave provocation to the soldiers, in consequence of which the disorders ensued of which I informed your Excellency.

It is natural that Mr. Hoppner would misrepresent these facts, and that he would avail himself of these occurrences to continue to promote and stir up new disagreements. Your Excellency, therefore, without losing a moment, will state to the British Minister for Foreign Affairs, the great inconvenience that will result from such a line of conduct, and demand of him to issue to his agent the proper orders for making him comply with the instructions above alluded to.

God preserve your Excellency.

Viscount d'Asseca,

&c.

&c.

&c.

(Signed)

VISCOUNT DE SANTAREM.

No. 7.

Viscount Palmerston to Viscount d'Asseca.

Monsieur le Vicomte,

Foreign Office, 20th September, 1831.

I HAVE had the honour to receive your letter of the 7th instant, enclosing the copy of a communication from the Viscount de Santarem, in which he complains that the conduct of some Englishmen in Portugal has of late been contrary to the laws of hospitality, and to the right of nations, and desires you to request that renewed instructions may be given to His Majesty's Consul-General at Lisbon, to admonish British Subjects not to interfere in the political dissensions of the Portuguese.

In reply, I beg to observe, that the communication which you enclose does not mention the names of the individuals against whom these charges are made, nor give such particulars as would enable His Majesty's Government to judge of the correctness of the statements, or to take any effective steps upon them; and that, judging from the uniform propriety of conduct pursued for a long time past by British Subjects in Portugal, and from the numerous and inexcusable insults and injuries which they have suffered, not merely from the uncontrolled license of the mob, but from persons in authority under the Portuguese Government, His Majesty's Government see no reason, until better informed, to attach any weight to the vague and indefinite statements contained in M. de Santarem's communication.

If any British Subjects in Portugal have violated the laws of that country, those laws, and the Treaties between the two countries, point out the proper mode of making such persons responsible for their acts, and it is difficult to suppose that a Government which has arrested and punished by imprisonment so many English Subjects who had committed no offence, and had been guilty of no crime, should be unable to enforce the laws in any case, in which those laws had really been contravened.

I have therefore only in conclusion to say, that if recent events in Portugal lead His Majesty's Government to think that any fresh instructions to Mr. Hoppner are necessary, those instructions would rather seem requisite for the purpose of protecting British Subjects from aggressions, to which it is but too certain that they have been exposed, than to admonish them for misconduct of which no proof has yet been afforded.

I have the honour to be, &c.

Viscount d'Asseca,

&c.

&c.

&c.

(Signed)

PALMERSTON.

No. 8.

Viscount Palmerston to R. B. Hoppner, Esq.

Sir,

Foreign Office, 7th September, 1831.

I TRANSMIT for your information copies of several documents which I have received from the India Board, relating to an attempt which has been

made by the Portuguese Authorities at Macao to molest British subjects resident in that settlement; and I have to instruct you to inquire of the Portuguese Government whether these proceedings have taken place in consequence of orders from Lisbon. If they have been founded upon such orders, you will require those orders to be rescinded; and if they have not, you will express the expectation of His Majesty's Government that the Portuguese Government will signify its disapprobation of so vexatious and unjust an interference with the subjects of His Britannic Majesty.

You will state, that it is not necessary for His Majesty's Government upon the present occasion to enter into a discussion of the nature and extent of the authority which the Portuguese Government really possess in the Island of Macao, nor to inquire how far they have any right to exercise the jurisdiction which these proceedings imply; but you will be careful in the steps which you will take, not to say any thing which can be construed into an admission on the part of His Majesty's Government upon a point which is extremely doubtful.

You will state that the supreme authority and dominion in Macao is vested either in the Chinese or in the Portuguese Government. If in the former, the recent attempt of the Portuguese local authorities to expel the English residents is an interference wholly unjustifiable; and which if endeavoured to be enforced must necessarily lead to consequences highly prejudicial to the interests of Portugal. If the supreme authority and dominion in Macao is vested in the Portuguese Government, then the steps which have been taken by the local Portuguese authorities, are in direct violation of Articles 2, 3, 6, and 7 of the Treaty of 1810, and ought immediately to be disavowed and countermanded by the Portuguese Government.

As this matter is one which essentially concerns the comfort and material interests of many British subjects resident in a distant quarter of the globe, to whom a prolonged state of uncertainty upon the question which it involves must be distressing and hurtful, His Majesty's Government expect an early as well as a satisfactory answer to the representation which you are hereby instructed to make.

I am, &c.

(Signed)

PALMERSTON.

B. B. Hoppner, Esq.

&c. &c. &c.

Enclosure in No. 8.

H. Villiers, Esq. to John Backhouse, Esq.

India Board, 5th August, 1831.

MR. HYDE VILLIERS presents his compliments to Mr. Backhouse, and transmits to him by desire of the Commissioners for the Affairs of India, the copy of a letter from the Chairman of the East India Company with enclosures, relating to the proceedings of the Portuguese authorities at Macao, to which Mr. Villiers has to request that Mr. Backhouse will call the early attention of Lord Palmerston.

J. Backhouse, Esq.

&c. &c. &c.

Sub-Enclosure A in No. 8.

R. Campbell, Esq. to the Rt. Hon. Charles Grant.

Sir,

East India House, 4th August, 1831.

I HAVE deemed it expedient, without loss of time, to do myself the honour of forwarding for your immediate consideration the accompanying extract of a despatch with its enclosures just received by the American ship,

Thomas Scattergood, from the Select Committee of Supra Cargoes, in China, dated 23d of February.

It relates to the conduct observed by the Portuguese authorities at Macao, in prohibiting the future residence at that settlement of all individual Foreign (including British) Merchants, who have not the previous sanction of the Court of Lisbon.

Reference is made in the letter from the Select Committee of the 14th February, to the Governor-General, to their previous despatch to his Lordship of the 12th of January.

That letter enters so fully into a review of the nature of the tenure by which the Portuguese hold Macao, that I have caused a copy of it to be also transmitted for your information.

I may be permitted to urge the importance of the subject receiving your earliest attention, and as a direct despatch for China, will offer on Wednesday next by the Company's ship *Winchelsea*, it would be most desirable that the Court of Directors should be enabled to advise their Select Committee that His Majesty's Government will take measures with the Court of Portugal to prevent the recurrence of proceedings on the part of the Portuguese Authorities at Macao, which, if persevered in, cannot fail of producing the most serious collision between the representatives of the two nations in that quarter.

I have, &c.

Rt. Hon. Charles Grant,
&c. &c. &c.

(Signed)

ROBERT CAMPBELL.

Sub-Enclosure B in No. 8.

The President and Select Committee to the Court of Directors.

(Extract)

Macao, February 23, 1831.

IN a personal interview which the President had with the Governor, the latter shewed the positive injunctions which he had received from the Government of Don Miguel, prohibiting the residence of all foreigners in Macao, without permission previously obtained from the Court of Lisbon.

After a long and tedious discussion; which, except for our anxious wish to maintain an intercourse of amicable courtesy with the Portuguese authorities would have been altogether unnecessary, the Governor in deference to our expressed wishes consented for the present to suspend the execution of his orders in respect to the expulsion of British residents from Macao.

No. 9.

Viscount Palmerston to R. B. Hoppner, Esq.

(Extract.)

Foreign Office, 9th September, 1831.

THE statements contained in your despatches of August 27, and in those which have been received from Captain Markland, have induced His Majesty's Government to send two line of battle ships to the Tagus, for the protection of His Majesty's Subjects resident in Lisbon.

The *Prince Regent* and *Asia* will accordingly sail to-morrow, and I send this despatch by that opportunity.

His Majesty's Government have learnt with much concern the fresh instances of insult and outrage committed upon British Subjects in Lisbon. It might have been hoped that the Portuguese Government would have learnt from recent experience, that His Majesty's Government are determined to secure to British Subjects in Portugal that protection or redress to which they are entitled; and His Majesty's Government still trust that the remonstrances and representations which you have made, will obtain protection from future aggression and punish-

ment for those which are past. His Majesty's Government have, however, provided other means of safety in case of need.

I am, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) PALMERSTON.

No. 10.

Sir George Shee to R. B. Hoppner, Esq.

Sir,

Foreign Office, 9th September, 1831.

I AM directed by Viscount Palmerston to transmit to you the annexed copy of a letter which the Marquis of Londonderry has received from Brigadier-General Sir John Campbell, relating to matters connected with your discharge of your official functions at Lisbon.

Lord Palmerston desires me to say, that his reason for directing that this document may be transmitted to you, is, that an opportunity may be thereby afforded you of offering such observations upon Brigadier-General Campbell's statement as you may be desirous of making.

I am, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) G. SHEE.

Enclosure in No. 10.

Brigadier-General Sir John Campbell to the Marquis of Londonderry.

NOW that the experiments have been tried and have failed in the object of promoting insurrection against Dom Miguel in Portugal, the Government of England might have a little mercy on the Portuguese, and by withdrawing the present Consul cease to persecute them any more. It must be evident that that Gentleman was mistaken in supposing that the disaffected in the country, had either force or spirit to take advantage of the opportunities given them by the English and French armaments, and the conduct of the army and people on the last occasion, must prove that their sentiments are entirely in favour of their King. I say that these armaments were experiments made by the Governments of England and France, and I have no hesitation in considering the Consul of the former as having been the proposer of this plan.

If he had chosen to use peaceable means, there is not an article of the complaints which he made that could not have been adjusted without recourse to violence; this would be proved by an instance which happened at the same time that the house of Mr. Roberts was visited by the Magistrate. A provincial Magistrate having levied a tax contrary to privilege on an English Gentleman who farms a large estate near Azamburja on the Tagus, and treated an Italian his servant with severity, he complained in person to the Minister of Foreign Affairs, saying that he did so in order not to join in the hostility shewn to the Government by some others of his countrymen: this conduct was duly appreciated, and he received ample satisfaction by the punishment of the Magistrate, and a message of thanks from the King for his delicacy. I am happy to say that only 65 out of 800 British residents thought proper to pursue a different course, from the conduct of this Gentleman, so worthy of an English one, by signing the representation of grievances forwarded by the Consul.

The French as far as I can understand made no representation, and very few indeed took advantage of their Consul's offer of shipping, to remove from their shops, where they continued to sell their Eau de Cologne and other trifles,

even when the tri-coloured flag was at the entrance of the Tagus, without the slightest molestation.

Mr. Hoppner frequents the company only of those natives who are known to be adverse to the present Government, the principal persons of whom are the parents or near relations of the emigrant noblemen, and from the reports and opinions of these persons he forms his own, nor will he listen with decent patience to any thing that is said in favour of the King, whom in conversation with me he attacked with the most bitter virulence, accusing him of crimes and immoralities, and using towards him the terms of monster and usuper, tyrant, and others in use by the newspaper writers, but surely most indecent in the mouth of a diplomatic agent.

I can myself affirm that he has encouraged the hopes of the above-mentioned disaffected persons by telling them of the reports which he made to his Government, and expressing his own of the speedy downfall of the King; that he has entered a room rubbing his hands with an expression of his satisfaction saying to the company, that he had sent a slap of the face to that rascal Santarem, the Minister of Foreign Affairs, in allusion to a letter he had just despatched to him, and declaring that he hoped soon to see the usuper flying across the frontier.

The birthday of the Pretender to the Crown, D. Maria de Gloria, was chosen for a dinner on board the *Briton*, and there was firing several times in the day, which, although Mr. Hoppner explains this circumstance as having been in honour of himself and his colleague, the French Consul, it was considered by every person in Lisbon who heard it as a celebration of the day.

Don Miguel showed better taste by refusing to put off a drawing room appointed for that day, although advised to that measure by some officious person.

That all hostility is in conformity to the wishes of the British Minister, is proved by the expressions to the agent of Don Miguel in this country, whom he tells, if the Portuguese wish to ingratiate themselves with the British Government, they must get rid of their King.

This certainly cannot be considered as non-intervention: it is an interference to persuade the Portuguese to dethrone the King of their choice, and a menace of constant opposition if they do not do his bidding.

It is that opposition alone that keeps alive the party opposed to Don Miguel's rights in Portugal, which but for the dread of the dreadful vengeance he might inflict, would be annihilated by the banishment of a very few individuals, acquaintances of Mr. Hoppner, who, were it not for the exertions of the Government, would have long fallen victims to the rage of the people, who would rise and massacre them, as the liberals of Paris would do with respect to any there, who would dare to oppose their citizen King, or show adherence to the excluded dynasty.

Don Miguel has been kept on his Throne by his people, for three years, in which time three of the Kings who have refused to acknowledge him, have been dethroned by their people.

He has been kept there without any exertion on his part, for he has lived in the greatest retirement, never taking the means lately so much in use by other Kings, in order to gratify the people, such as making addresses to them, giving flashy speeches, and descending to mix with them, and shake the hands of the common artizans. He seldom appears in public in any state; and when he does appear, he rather checks than encourages the greetings of the people. In fifteen months he reviewed the garrison not more than three times, and he never harangued them or made use of any other artifice to animate or inspirit them in his cause, until the occasion of the appearance of the French, when he placed himself at the head of the troops, and evinced great determination. At the procession of the Corpus Christi, in the beginning of June last, he rebuked the Grenadiers of the 4th Regiment, for cheering him in the presence of the host, and prevented the same demonstrations of adherence from the rest of the troops. Indeed, he takes so little pains to court popularity, or even to animate his party, that he incurs the suspicion of taking

little interest in his own cause, and of desiring to retire from the throne to his hunting and farming, which are his only passions.

As to the accusations against him of immorality and vicious habits, they have no foundation in truth. He neither drinks nor games, nor is given to women. He spends a great deal of time in chace, and delights in being amongst his farming men, and takes a great deal of pains with his own estates. There is a rude sport of fighting bulls in Spain and Portugal, in which he excels himself, and for this he is severely criticised; be he deserving or not of that, certain it is, that he shows by this amusement a quality which his enemies deny him, that of great coolness and intrepidity in danger the most imminent; but he does not entirely give himself up to such amusements; for his Court is formed of the noble families of the Marquis of Belles and others, and with these he partakes of the other pastimes, such as equestrian exercises, tilting, and the riding school, and scenic representations and other innocent recreations.

It is said he could prevent a great deal of the violence, which is committed by party spirit in the country, if he chose to exert himself; perhaps he could, but he would have the same sort of difficulty, but ten thousand times multiplied, that our own gracious Monarch would have had to prevent the English mob from breaking the windows on the Reform Bill of men, as the Duke of Wellington and the Marquis of Londonderry, to whom, instead of revenge for past injuries, they owed a debt of gratitude for past services the most brilliant.

He performs a great many acts of pure benevolence, and I have no fear of contradiction, when I say that he gives, if not all, the greatest part of the paper money which he receives from the Treasury for his purse, in charity. No one certainly ever approached him with a petition, who did not go away at least pleased with the gentleness and kindness with which he received it.

That the administration of his Government might be greatly amended I am most ready to allow. The imprudence of his Ministers is most lamentable, but in no instance has been so egregiously deplorable as in their having placed confidence in the faith of the British Ministry.

Spite of their breach of faith, spite of the arrogant monstrous aggression of robbery of their allies the French, they will not succeed in dethroning him unless they throw off the mask and invade the country with their forces. What new trials that poor people will have to undergo, God knows, but I am confident that intrigues in aid of the disaffected, and expeditions made, and headed by Don Pedro d'Alcantara, will not avail to oblige them to receive any other Monarch but Miguel, or try against the experiment of adopting one of that Prince's or of Jeremy Bentham's Constitutions.

(Signed) J. C.

A true Copy—VANE LONDONDERRY.

No. 11.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received Sept. 22.)

(Extract.)

Lisbon, 10th September, 1831.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 25th of August, the substance of which I immediately embodied in a note (copy of which I herewith enclose) to M. de Santarem, requiring that the persons who assaulted Messrs. Fitzroy and Parnell should be forthwith brought to justice; and for this purpose, that they should be confronted with those officers.

Since this barbarous occurrence I have omitted no opportunity of keeping M. de Santarem in mind of it, and assuring him that it would not be permitted to pass over with impunity. Whenever I have brought the subject forward,

he has told me, at one time, that the offenders had been arrested; at another, that their trial was proceeding, and latterly, that nothing now remained to be done but to pass sentence upon them. To my remark that they had not hitherto been confronted with Messrs. Fitzroy and Parnell, he replied, that this was owing to the different mode of proceeding in their tribunals, and that such confrontation was not required by the laws of Portugal. In this, however, I am assured, that he is not correct; that it is an essential point in the jurisprudence of this country; and as it is confidently asserted that, although some individuals have been arrested on the present charge, they are not those who assailed the above gentlemen, I am fearful lest some deception should be intended, and that my endeavours to obtain satisfaction for this outrage will prove abortive from the various artifices to which recourse will be had to evade this just demand.

I had written thus far when I learnt from Mr. Fitzroy that, having had occasion to call with Mr. Parnell upon the Intendant-General of Police, to thank him for his attentions to them when they were brought wounded and helpless to Lisbon, that magistrate assured them that no trial had hitherto taken place, nor could, in their case, as the offenders were not yet taken, having concealed themselves, so that it would probably be some time before they were apprehended.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 11.

R. B. Hoppner, Esq. to Viscount de Santarem.

(Extract.)

Lisbon, 5th September, 1831.

THE undersigned, His Britannic Majesty's Acting Consul-General in Portugal, having reported to his Government the outrage committed in the vicinity of Bucellas upon Messrs. Fitzroy and Parnell, of His Majesty's ship *Briton*, has received Lord Palmerston's instructions to demand of the Portuguese Government, that immediate steps be taken for bringing the offenders to justice; for which purpose no time should be lost in confronting them, when taken, with those gentlemen, who will be able to identify them.

I have the honour to be, &c.

Viscount de Santarem.
&c. &c. &c.

(Signed)

R. B. HOPPNER.

No. 12.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received September 22.)

My Lord,

Lisbon, 10th September, 1831.

MR. GRAVELY, being so far revered from his wounds as to be able to give me a more circumstantial account of the infamous treatment he experienced at the hands of a party of Royalist Volunteers, on the morning of the 22d ultimo, who were set on to murder him by their Commanding Officer, as stated in my despatch of the 27th August, I have herewith the honour to forward these details for your Lordship's information.

It unfortunately happens that Mr. Graveley does not know the Officer who assailed him. M. de Santarem asked me why I had not named him in my notes to him. I replied, that although it was generally said to be ———, this did not justify me in accusing him of such a crime, which, however, there could be no difficulty in bring home to the real offender, as it

must be known who had commanded the detachment especially indicated by the time it was on its march.

Independently of Mr. Graveley's personal sufferings, a serious injury has also been inflicted upon him by the loss of his time; and, at this moment he scarcely conceives himself secure from some further act of violence to prevent his taking any steps to obtain redress for the one already committed against him.

With respect to the other complaints which I have submitted to your Lordship, I have the honour to inform you, that a promise has been made to institute inquiry into that of Mr. Duff, accompanied, as your Lordship will perceive by the enclosed paper, with a distinct and indignant disavowal on the part of the Police, of one of the leaders of the ruffians, who infest the streets, and are the terror of the peaceful inhabitants of Lisbon.

I have the honour to be, &c.

Viscount Palmerston.

&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 12.

Mr. Graveley to R. B. Hoppner, Esq.

Sir,

Lisbon, 9th September, 1831.

HAVING had the honour to lay before you a very imperfect statement of the outrage committed upon me, on the morning of the 22d August last, and finding myself now much recovered from the severe wounds I then received, I beg leave to lay before you a full statement of the fact as it occurred, and which I am ready to confirm with my oath if necessary.

I quitted my house at Bemfica at 6 o'clock in the morning and had proceeded a few hundred yards, when I met a battalion of royalists commanded by a Major: I had passed the commanding officer, when one of the soldiers ran out of the ranks towards me, exclaiming, "Kill him; he is a Frenchman, from Rua d'Emenda." I instantly ran to the Major for protection, with my British certificate in my hand, declaring at the same time that I was an Englishman; upon which he said "so much the worse," and stabbed me in the back in such a way that, in the opinion of the doctors who attended me, had the wound been one-eighth of an inch deeper, it would have penetrated into the kidneys and been mortal. When I endeavoured to get away from him he cut me with his sword across the shoulder, and the soldiers knocked me down with the butt ends of their firelocks. On recovering my senses, I found myself weltering in blood, and my servant, who had run away, thinking I was dead, (as they had gone off, leaving me without the least appearance of life,) on seeing me get up, came back and told me that the officer had called out to his men to desist, saying "he is dead." I received seven wounds about my body and three on my head.

Recommending my case to your most serious consideration,

I have the honour to be, &c.

R. B. Hoppner, Esq.

&c. &c. &c.

(Signed)

CHARLES MILTON GRAVELEY:

Enclosure 2 in No. 12.

Viscount Santarem to R. B. Hoppner, Esq.—(Translation.)

Palace of Queluz, 9th September, 1831.

IN answer to the note which you addressed to me, under date of the 27th August last, respecting some threats used by Captain Telles towards the

British subject, Dominick Duff, I transmit to you the enclosed copy of an answer I have received from the Minister of Justice and Ecclesiastical Affairs, dated the 3d instant, to a note which I had addressed to him on this subject.

I have the honour, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

Sub-Enclosure in No. 12.

The Minister of Justice and Ecclesiastical Affairs to Viscount Santarem.

(Translation.)

Secretary of State's Office for the Department of Justice and Ecclesiastical Affairs, 3rd September, 1831.

Most Illustrious and Excellent Sir,

IN answer to your Excellency's note, of the 31st of August last, accompanied by Translations of Papers forwarded to your Excellency by the British Acting Consul-General, and of a statement made to him by the Englishman, Dominick Duff, respecting the insults which he (Duff) said he had received from Captain Telles, I have the honour to inform your Excellency that although there is no proof that the menacing expressions which form the subject of those Papers were ever uttered, as the statement itself is only founded upon the assertion of the complainant, an order of this day's date has, nevertheless, been sent to the Intendant General of Police, directing him to proceed to the necessary steps in this business, in conformity with the Royal Orders he has received. I cannot allow the falsehood with which, in his statement to the Consul, the complainant asserts that Captain Telles is authorized and even paid by the Police, to commit these aggressions, to pass without observation; it is absurd, and never could be possible; and the very English themselves have, to the contrary, experienced the protection afforded to them by that Department, even on their own simple complaints unsupported by any proof.

(Signed)

LUIS DE PAULA FURTADO DE CASTRO DO RIO DE MENDOCA.
His Excellency Viscount de Santarem,
&c. &c. &c.

No. 13.

Viscount d'Asseca to Viscount Palmerston.

Mr. Le Vicomte,

Londres, ce 14 Septembre, 1831.

Après vous avoir adressé ma lettre d'avant hier, je n'occuperai pas l'attention de Votre Excellence de nouveau aujourd'hui, si je n'éprouvais le besoin de m'acquitter du devoir qui m'a été prescrit de vous donner connaissance de l'impression pénible qu'ont fait naître dans l'esprit de mon Gouvernement les deux offices que Mr. Hoppner a adressé en date du 23 et 24 Août dernier à Son Excellence M. Le Vicomte de Santarem, relativement au lieu dont le Capitaine Markland, du navire de Sa Majesté Britannique *Despatch*, venait de faire choix dans le port de Lisbonne, pour y porter son bâtiment sans le concours ni le consentement préalable de l'autorité locale compétente, et sans s'embarrasser non plus d'enfreindre les réglemens intérieurs de la police du port, rendus depuis long tems publics, qui s'opposent à l'emplacement à ce mouillage de tout bâtiment étranger quelconque.

Je ne releverais pas M. Le Vicomte l'inconvenance des insinuations que M. Hoppner se plait à diriger contre mon Gouvernement dans l'un des dits offices ainsi que dans d'autres antérieurs, allant jusqu'à dire qu'apparemment les vex-

ations qu'éprouvent par fois les sujets Anglais à Lisbonne, se commettent sous l'appui de son autorité. Je n'ai certainement pas besoin de repousser devant Votre Excellence une semblable accusation, qui n'est ni motivée ni provoquée par la conduite de mon Gouvernement. Mais je dois dire que M. Hoppner étant appelé par sa position et plus particulièrement encore par les instructions que vous lui avez transmises, et que vous avez eu l'extrême bonté de me lire, à respecter les lois et le Gouvernement établi en Portugal, c'est à Votre Excellence à juger s'il ne devient pas nécessaire de le ramener à des procédés plus conformes à vos ordres, et à accompagner l'exercice de ses fonctions consulaires, quelques difficiles qu'elles puissent lui paraître, des mêmes égards pour le Gouvernement et les autorités locales, que le ministère Portugais ne manque jamais de lui montrer en sa qualité d'agent du Gouvernement de Sa Majesté Britannique.

En me bornant à la question qui fait l'objet des deux écrits sus dits, il importe avant tout de démontrer à votre Excellence l'inexactitude des assertions que M. Hoppner a mis en avant pour la soutenir, et il suffira à cet effet de citer l'article VIII. du règlement du port de Lisbonne, de 7 Juin, 1811, qui est ainsi conçu :—“ Naõ he permitido a navio algum a fondear junto das embarca-
“ çoes de Sua Mag^{de}. bem como o não he fondear entre os Caes das Columnas
“ e Ribeira Nova por ser este o sitio destinado para os navios da Real Corôa.” Mon Gouvernement a cru devoir m'ordonner de mettre sous les yeux de votre Excellence le texte de l'article sus-dit pour constater que la réponse faite à M. Hoppner en opposition à sa demande repose sur les mesures prescrites par une ancienne ordonnance dont la stricte observation a toujours été considérée comme essentielle au maintien de l'ordre intérieure du port, et n'est ni une innovation de circonstance, ni moins l'effet d'aucun changement dans les dispositions du Roi mon Auguste Maître, envers le Gouvernement de Sa Majesté Britannique, qui sont telles que l'exigent les intérêts respectifs des deux nations, et les liens et les stipulations mutuellement obligatoires qui depuis si long tems les unissent.

Habitués, comme nous l'avons toujours été à voir avec entière confiance déployé dans tous nos ports le pavillon de la Marine Royale Anglaise, notre seul regret est que ce glorieux drapeau ne s'annonce et ne se montre plus aujourd'hui de même qu'autrefois, comme le signe protecteur de l'indépendance de la Monarchie Portugaise, et le gage de sa sécurité; et rien n'égale l'amertume de ce regret lorsque nous pensons que nous n'avons jamais mérité une défection aussi cruelle, aussi illégitime de la part d'un Gouvernement grand et puissant, qui étalait et rangeait au nombre de ses titres de gloire, celui de se dire et de se déclarer de droit et de fait, l'Allié perpétuel du Portugal, toujours prêt à le défendre envers et contre tous ses ennemis.

Mais au milieu des embarras et des dangers qui nous entourent, délaissés par l'Angleterre, et livrés sans secours ni ménagement quelconque aux attaques et aux embûches de nos ennemis du dedans et du dehors, votre Excellence ne se refusera pas sans doute à avouer que quelque disposé quelque sincère et quelque dévoué que soit mon Souverain à se rendre agréable au Gouvernement de Sa Majesté Britannique, il lui est impossible de ne pas contester en principe le droit aussi singulier qu'arbitraire, que Mr. Hoppner a voulu établir que les sommations seules des agens étrangers doivent faire la règle à suivre par mon Gouvernement, pour l'emplacement des navires de guerre de leurs pays dans le port de Lisbonne : car telle est en effet, M. Le Vicomte, la simple et inévitable conséquence à déduire de la teneur de ses offices, conséquence qui n'a été que trop promptement et trop rigoureusement comprise et appliquée le lendemain, ainsi que j'ai l'honneur de vous en informer le 12 du courant par le commandant des forces navales Françaises M. Rabaudy, qui s'est empressé de renchérir sur l'exemple donné par M. Hoppner, en poussant les choses à l'extrême, de prendre avantage de notre position sans défense pour tenir à mon Gouvernement un langage tout à fait impératif.

Cependant, je pense que votre Excellence n'hésitera pas non plus à admettre qu'en fait d'autorité suprême, le maintien de ce qui est, devient le pré-

mièr des droits des nations indépendantes, et je dois ajouter quant au Portugal, qu'aujourd'hui c'est aussi le premier de ses vœux et le plus cher de ses intérêts.

Je termine la présente communication, M. le Vicomte, en la recommandant au nom et par ordre exprès de mon Gouvernement à l'attention particulière et bienveillante du Gouvernement de Sa Majesté Britannique, ainsi que les plaintes consignées dans celle que son Excellence le Vicomte de Santarem, adressa à M. Hoppner, le 26 du mois passé, en lui remettant les documens qui constataient la conduite blamable qu'ont tenu récemment divers individus Anglais en Portugal au détriment de la paix publique et en directe violation des lois du pays auxquelles, de l'aveu honorable du Gouvernement de Sa Majesté Britannique, exprimé dans les instructions de votre Excellence à Mr. Hoppner, en date du 14 Janvier de cette année, et conformément au droit des gens, tous les sujets du Roi votre Auguste Souverain, qui resident en Portugal doivent respect et obéissance.

Je vous prie, &c.

Vicomte Palmerston,
&c. &c. &c.

(Signé)

VICOMTE D'ASSECA.

Viscount d'Asseca to Viscount Palmerston.—(Translation.)

My Lord,

London, 14th September, 1831.

AFTER my letter to you of the day before yesterday, I would not now again occupy your Excellency's attention, if I did not feel it necessary to discharge a duty which has been prescribed to me, that of informing you of the painful impression produced upon my Government by the two notes which Mr. Hoppner addressed on the 23d and 24th of last August, to his Excellency the Viscount Santarem relative to the position which Captain Markland of His Majesty's ship *Dispatch*, has chosen to take up in the Port of Lisbon, without the concurrence or the previous consent of the competent local authority, and without hesitating to break through the internal police regulations of the Port, long since made public, and which expressly forbid any foreign vessel whatever occupying that anchorage.

I will not dwell, my Lord, upon the groundlessness of the insinuations which Mr. Hoppner has thought proper to cast upon my Government in one of the abovementioned notes as well as in former ones, going so far as to assert that to all appearance the vexatious treatment, which British subjects have in some few instances experienced at Lisbon, was inflicted under the sanction of its authority. I feel certain that I need not occupy your Excellency's time in repelling such an accusation which is neither called for nor provoked by the conduct of my Government. Mr. Hoppner being called upon by his position, and more particularly by the tenour of your instructions to him, of which you had the extreme kindness to allow me the perusal, to respect the laws and the established Government of Portugal, I leave it to your Excellency to judge whether it is not necessary to require that he should conduct himself in a manner more consistent with the orders which he has received, and to accompany the discharge of his consular duties, however difficult they may appear to him, with the same respect for the Government and the local authorities which the Portuguese Ministers have never failed to shew to him in his character of agent of the Government of His Britannic Majesty.

In confining myself to the question which forms the subject of the two abovementioned communications, it is of the first importance that I should prove to your Excellency the incorrectness of the assertions which Mr. Hoppner has advanced in its support, and it will be sufficient for this purpose to quote the 8th Article of the Regulations of the Port of Lisbon of June 7, 1811, which runs thus :—

“ It is not permitted to any vessel to anchor near the ships of His Majesty, neither are they to anchor between the quays of Columnas and Ribeira Nova, the place destined for ships of the royal navy.”

My Government has thought fit to command me to lay before your Ex-

cellency the original words of the Article abovementioned in order to prove that the reply made to Mr. Hoppner in rejection of his demand, rests upon measures prescribed by an ancient decree, the strict observance of which has always been considered essential to the maintenance of the internal order of the port, and that it is neither an accidental innovation, nor the effect of any alteration in the sentiments of the King my August Master towards the Government of His Britannic Majesty, which are such as the respective interests of the two nations require, and the mutual ties and stipulations which have for so long a time bound them to each other.

Accustomed as we have ever been to see with entire confidence the flag of the royal British navy flying in our ports, our only regret is that this glorious flag now no longer waves, as in days past, the guardian signal of the independence of the Portuguese monarchy and the pledge of its safety, and nothing can equal the bitterness of this regret, when we reflect that we have never deserved so cruel a desertion, conduct unworthy of a great and powerful Government, whose boast it was, and among whose titles to glory it ranked, the calling itself truly and actually the perpetual ally of Portugal, ever ready to defend it against all its enemies.

But in the midst of the embarrassments and dangers which surround us, abandoned by England, and given up without help or consideration of any kind, to the attacks and machinations of our enemies within and without, your Excellency will, doubtless, not hesitate to acknowledge that however disposed, however sincere, and however anxious my Sovereign may be to make himself agreeable to the Government of His Britannic Majesty, it is impossible for him not to contest in principle a right as singular as it is arbitrary, which Mr. Hoppner has attempted to establish, that the demand alone of Foreign Agents should form the rule to be followed by my Government, in assigning anchorage to the ships of war of their countries in the port of Lisbon. For such, my Lord, is in fact the simple and inevitable deduction to be made from the tenour of his official communications, a deduction which was only too well and too rigorously understood, and applied on the following day, as I have had the honour to inform you on the 11th instant, by the Commander of the French naval forces M. Rabaudy, who hastened to improve upon the example given by Mr. Hoppner, by proceeding to the extremity of taking advantage of our defenceless position, in order to make use of the most imperative language to my Government.

Nevertheless, I conceive that your Excellency will, moreover, not hesitate to admit that with regard to supreme authority, the maintenance of that which exists already, becomes the first of the rights of independent nations, and I must add, as regards Portugal, that it is at present the first of its wishes and the most dear of its interests.

I conclude the present communication, my Lord, recommending its contents, in the name, and at the express desire of my Government, to the particular and kind attention of the Government of His Britannic Majesty, together with the complaints contained in the note addressed, on the 26th ultimo, by Viscount Santarem to Mr. Hoppner, in which he transmits to him documents, proving the blameable conduct recently pursued by divers English individuals in Portugal, to the injury of the public peace, and in direct violation of the laws of the country, to which, according to the honourable admission of the Government of His Britannic Majesty, contained in your Excellency's instructions to Mr. Hoppner, of the 14th January last, and to the law of nations, all the subjects of the King your August Sovereign, who reside in Portugal, owe respect and obedience.

I have the honour to be, &c.

Viscount Palmerston,

&c. &c. &c.

(Signed)

VICOUNT D'ASSECA.

No. 14.

Viscount Palmerston to Viscount d'Asseca.

Monsieur le Vicomte,

Foreign Office, 20th September, 1831.

I HAVE had the honour of receiving your letter of the 14th instant, in which you state that the Portuguese Government have received a painful impression from the communications made to them by Mr. Hoppner, on the 23rd and 24th of August, relative to the position which His Majesty's ship *Despatch* had taken up in the port of Lisbon. In reply, I have to assure you that His Majesty's Government have received no less painful an impression from the account which has reached them of those transactions, which rendered this movement on the part of His Majesty's Naval Force in the Tagus necessary, for the protection of British residents in Lisbon.

His Majesty's Government, however, have entirely approved the measures which have been taken on this subject by His Majesty's Consul-General, and the naval officer commanding His Majesty's ships in the Tagus; and in order to give more effect to those measures, and to afford more complete protection to British Subjects in Portugal, two line of battle ships have been sent to the Tagus, and two brigs of war to the Douro.

I have the honour to be, &c.

Viscount d'Asseca,
&c. &c. &c.

(Signed) PALMERSTON.

No. 15.

Baron Ompteda to Viscount Palmerston.

44, Grosvenor Place, 15th September, 1831.

THE Undersigned, His Majesty's Minister of State and of the Cabinet for the kingdom of Hanover, presents his compliments to Lord Viscount Palmerston, His Majesty's Principal Secretary of State for Foreign Affairs, and having by the last despatch from His Majesty's Hanoverian Consul-General at Lisbon, Mr. Scholtz, been informed of the indignities and murderous attacks foreigners resident at Lisbon have of late experienced from Don Miguel's authorities and the different agents of his Government, and understanding from Mr. Scholtz that if their insolence is not very soon checked, he considers his own life, as well as that of His Majesty's British Consul-General, and all His Majesty's subjects resident at Lisbon, unsafe and exposed to constant danger, the Undersigned will be much obliged to Lord Palmerston, if in case Mr. Hoppner, who always has shewn the greatest politeness to Mr. Scholtz, should receive instructions to quit Lisbon, and remove on board a British vessel, his Excellency would be pleased to authorise Mr. Hoppner to take Mr. Scholtz, under his special protection.

The Undersigned avails himself, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) OMPTEDA.

No. 16.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received October 2.)

(Extract.)

Lisbon, 26th September, 1831.

WITH reference to my despatches of the 27th ultimo, I beg leave to transmit for your Lordship's information the copy of a letter which I have received from Mr. Norton, Vice-Consul at Vianna, respecting the offensive

language to Don Miguel, said to have been used by the Master of British Merchant Vessel in that port. Of the other affair, at Cintra, alluded to by M. de Santarem, no further details have hitherto reached me from him.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure in No. 16.

Mr. Norton to R. B. Hoppner, Esq.

Sir,

Vianna, 4th September, 1831.

I HAVE been honoured with your letter of the 29th ultimo, requesting information respecting the charge made against Captain John Davis, of the schooner *Favourite*.

I am not aware of the said Master's having made use of any improper language towards Don Miguel, nor do I consider it likely that he would do so.

The Master is not able to speak the Portuguese language, nor were the guards acquainted in the slightest degree with the English.

One of the guards, by name "Pedro Ourives," is a notorious bad character, and has already implicated many poor Portuguese, and through false witnesses has been the means of committing them to the common gaol. I consider this affair of Captain Davis, to be an ill-natured intrigue on the part of the royalists, who invariably wish to find any excuse to commit an Englishman.

I have the honour to be, &c.

R. B. Hoppner, Esq.
&c. &c. &c.

(Signed)

R. W. NORTON.

No. 17.

R. B. Hoppner, Esq. to Sir George Shee.

(Extract.)

Lisbon, 23rd September, 1831.

BY His Majesty's Ship *Prince Regent*, which arrived here yesterday, I had the honour to receive your despatch of Sept. 9, together with its enclosure, containing some charges brought against me in the House of Peers by the Marquis of Londonderry, at the instigation of Major General Sir John Campbell.

It is not, I presume, necessary for me to controvert the opinions of Sir John Campbell, nor to defend myself on the score of those which he is pleased to ascribe to me. I know not what right Sir John Campbell possesses to attribute to me his own thoughts and suppositions, nor can I imagine that I am called upon to refute charges so absurd as that the English and French expeditions to this country were planned by me, or undertaken at my instigation.

Sir John Campbell asserts that if I had used peaceable means there would have been no occasion to adjust the complaints I made, by violence: and he adduces a solitary instance of an unnamed individual, whose personal complaint, he said, was redressed, to prove his assertions. I beg to refer to my official correspondence to shew whether I have ever used other than peaceable means, and whether, almost in every case of complaint or remonstrance, I have not repeatedly solicited the attention of the Portuguese Government to them, pointing out the inevitable consequence of their indifference to my appeals. Of the instance he adduces I can conscientiously say that I never heard till now: but although Sir John Campbell does not think proper to name this more successful individual, his allusion to the property he possesses, fully indicates whom he would refer to. It will not appear to others so extraordinary as it does to Sir John Campbell, that this individual does not adopt

the views of the British residents here : still less so, that they are not prone to follow his example, when it is known that he was expelled by general consent from their public assembly rooms, as is shewn by a minute in their books, dated 16th January, 1822.

Sir John Campbell is decidedly incorrect in stating that there are 800 British residents in Lisbon ;—178 is the number of those whose names are recorded in the Consular Office, including clerks, natives of Gibraltar, Malta, &c. ; but even if his statement were correct, he cannot deny that the persons who signed the requisition are among the wealthiest, most respectable, and most influential of the British residents, and I dare him to say that they were in any way biassed in their proceedings on the occasion he alludes to, by me.

The next charge is, that I frequent the company of those natives only who are known to be adverse to the present Government, and that I take my opinions from them. On my arrival here, Sir J. Campbell introduced me to the family with which he is connected by marriage, and into some other Portuguese houses ; and I expressed a wish to Viscount de Santarem, to be presented to his colleagues. Although this wish was met with apparent cordiality, the latter never introduced me to any one ; and, if I dropped my acquaintance with ——— it was in consequence of the hostile feeling this Lady expressed towards the English, and the angry party spirit that prevailed in her house, and amongst the members of her family. As for the few other Portuguese acquaintances which I formed on my arrival here, and while it was still permitted to assemble in Lisbon, I dropped all intercourse with them on the entrance of the French Squadron, not to give any jealousy to the Portuguese Government, and because, in fact, no Englishman, and especially myself, can associate with any Portuguese family without the chance of compromising them, and rendering them obnoxious to persecution. This is the case even with known Miguellite families.

The next allegation is, that, in conversation with Sir John Campbell, I made use of expressions offensive to Dom Miguel, and that I will not listen with decent patience to anything said in his favour. Sir John Campbell may justify, if he can, his making a public charge against me of any expression used to him in private. I do remember once saying to him, that Dom Miguel was but an usurper, and that he could not state any one act that he had done for the benefit of his country, since his assumption of the Government. Perhaps, Sir John Campbell may also recollect, that I immediately declared my regret at having uttered anything that gave him pain. As to not listening to Sir John Campbell's praises of Dom Miguel, I beg to remind him that we associated together for nearly three months after my arrival, and that this was the common topic of his conversation. As my opinions did not coincide with his, I endeavoured to avoid all argument with him. When at length we fell into one, I unhappily offended him, and this was the last I ever had with him on this or any other subject.

Sir John Campbell says that he can affirm that I have encouraged the hopes of the disaffected. To this I reply, that I have invariably told them, that my Government would not interfere in their quarrel : that the English and French Ships which were sent here, came for the sole purpose of redressing their own grievances ; and I have discouraged any violent language, by showing that it compromised those who uttered it, and tended in no way to advance their interests. If I made use of the expression he alludes to with regard to M. de Santarem, it was not to persons whom I for a moment supposed capable of repeating it to him, and giving him pain, which is the only light in which I consider it worthy of notice.

The birth-day of the pretender to the throne Donna Maria da Gloria, as Sir J. Campbell calls this Princess (I know not by what right) was *not* chosen for a dinner on board the *Briton*, and if it had been, this was no act of mine. It happened on a Monday. On the previous Saturday, a French corvette entered the Tagus late in the evening. The commander the next day called

upon Captain Markland, and afterwards upon me. Captain Markland told him that it was not the custom in the English navy to fire salutes on a Sunday, but that he would salute him when he hoisted his flag the following morning. He did so. Towards the middle of the day Captain Markland called upon me to say, that this and another French officer, with their Consul, were to dine with him, and to ask me to meet them. I then expressed my wish to return the visit paid to me on the preceding day, and Captain Markland accompanied me. As we were departing, Captain Markland remarked to me, that the French captain intended to salute me, upon which I requested him not to do so, saying, that I did not consider myself as an accredited agent, in the present state of our relations with Portugal, and that in fact I had declined the salute offered me, on board the ships of my own country; Captain Raffy, however, persisted, and fired upon my quitting his corvette. The compliment paid to me, Captain Markland returned to the French Consul, on his arrival to dinner; hence arose the firing; it was purely accidental and unpremeditated; and had no more to do with Donna Maria than with Sir J. Campbell himself. What he or other people in Lisbon chose to think of it, cannot in justice be made a charge against me. It might as well be urged against me as a crime, that the Miguellites constantly reported that the English ships of war were sent to Lisbon for their protection, and to recognize Don Miguel, as well as the thousand other absurd reports that are continually in circulation in this distracted city.

The next charge appears to me, as I now understand it, rather addressed to Lord Palmerston than myself, though this is left doubtful, by the paper sent to me being without date; it is perfectly absurd as applies to me, and as gratuitous as the rest of Sir J. Campbell's assertions, but if my conjecture is right it shews, that, besides the contributions from hence, Sir John Campbell has been assisted in London also, in the compilation of his extraordinary production. That the paper was there compiled, and not written, (as might have been inferred from Lord Londonderry's speech) in Lisbon, is past a doubt, as Sir John Campbell had already quitted this city for England long previous to the entrance of the French squadron, to which he alludes in his opening paragraph.

The remainder of Sir John Campbell's paper contains the expression of his private opinions, and may possibly have weight with his friends. For myself I leave them to work whatever effect they are capable of, having only to refute his charges not his opinions.

In conclusion, I do most sincerely regret that Sir John Campbell should have thought proper to bring forward these charges; not, as Lord Palmerston must see, that it costs me any difficulty to refute them, but lest his Lordship should imagine that I am the troublesome person Sir John Campbell would make me appear to be, and that instead of attending to my duty, I am only employed in committing errors, from the consequences of which a great deal of valuable time is occupied on my account, by those to whose notice I do not pretend the slightest claim. I have anxiously endeavoured not to give offence to any one. For three months after my arrival I lived more with Sir John Campbell and his friends than with any other person here, and since that time, owing to the increased disturbances, following fast upon each other, I have lived as secluded a life as is consistent with my duty, which imposes upon me the task of knowing what is passing in this country, and of reporting it to my Government. If in doing so I have been guilty of any mistakes, I should be most happy to rectify them; I have certainly advanced nothing that I do not believe to be true. I do not derive my information from the sources mentioned by Sir John Campbell, but if I did they could not be more prejudiced than those whence he derives his opinions; and mine, at all events, are disinterested.

I have, herewith, the honour to transmit to you, for Lord Palmerston's information, a letter which the British Residents in Lisbon have kindly ad-

dressed to me upon this occasion. It will, I hope, be considered a sufficient refutation of every charge as to my general impropriety of conduct. I also enclose a copy of the answer which I purpose giving to these Gentlemen.

I have the honour to be, &c.

Sir George Shee, Bart.
&c. &c. &c.

(Signed) R. B. HOPPNER.

Enclosure 1 in No. 17.

Sir,

Lisbon, 21st September, 1831.

WE, the undersigned British residents in Lisbon, imbued with sentiments of profound gratitude for the zeal which you have exhibited in obtaining the redress of every grievance, and protecting our oppressed fellow subjects, deem it an imperative duty to declare, in the face of the world, that your exertions have uniformly met our humble approbation; and that most especially, the appearance of a squadron to enforce the just demands of His Majesty's Government on the Portuguese, was viewed with unmingled satisfaction by an immense majority of the British inhabitants.

Whilst we duly appreciate and acquiesce in the advice, which you have constantly bestowed on us, to take no part in the political differences unhappily existing in this country, that we may not forfeit our claim to that protection, which His Majesty's Government is ever willing to extend to its subjects, we cannot refrain from expressing our astonishment at the assertions of misinformed or malignant persons, that you have encouraged insults to the constituted authorities, and testifying at the same time, our admiration of the judicious manner in which, as far as our observation permits us to know, you have discriminated between a vigorous interposition in behalf of your own countrymen, and any interference with the internal policy of the Portuguese Government.

We have the honour to be, &c.

(Signed)

JAMES ROBERT HIGGS.
ROBT. INNESS.
G. LOWLEY.
WILLIAM DOHERTY.
EBENEZER AUTHER.
JOHN HUTCHENS.
GEO. D. WALSH.
CHAS. O'NEILL.
HENRY LAIDLEY.
J. O'NEILL.
THOMAS GRIMSDICK.
SAML. A. WHITNEY.
ROBT. LUCAS.
CHARLES HIGGS.
ALEX. ADAM.
WM. CARRUTHERS.
THOS. CUSTANCE.
GEO. CROFT.
ROBERT FRENCH DUFF.
EDW. MEDLICOTT.
JNO. E. MARTIN.
W. H. GOODAIR.
JOHN ADAM.
WILLIAM STABY.
WM. HALLIDAY.
L. M'ANDREWS.
CHAS. HUTCHENS.
FRANCIS FORREST.

JOHN AUGIER.
JAS. ELLERTON.
JOHN WILBY.
ROBERT GRAHAM.
J. S. PLATT.
SAML. KENDALL.
P. M. LAYDER.
HENRY HODGSON.
NICHOLAS S. JAMES.
ARM. THEO. DONNEL.
F. F. SHORE.
CHARLES JAUNCEY.
LEWIS LANGWORTHY.
DANIEL TOBIN.
THOMAS SHANNON.
ABEL DAGGE.
WM. PAYANT.
WILLIAM ROBERTS.
THOMAS PAIGE.
DONALD MONRO.
JNO. PARLEY.
CHARLES NEWMAN.
JAS. CHAS. DUFF
CHARLES GOULD.
W. REN. ROOPE.
CHAMBERS KENDALL.
GEORGE DOBSON.
JOHN ASHWORTH.

W. C. MORLEY.
JOSEPH THOMSON.
JAMES THOMSON.
DAVID POLLOCK.
GERRARD GOULD.
JOHN OUGRUS.
THOMAS O'KEEFE.
JOSEPH HARDY.
J. G. SHEEHAN.
WILLIAM FRAZER.
JOHN PARSONS.
OSBORNE HENRY SAMPAYO.
MARTIN SLACK.
JOHN CLEIFE.
WM. HICKIE.
JAS. L. DOYLE.
W. H. HICKIE.
CHAS. A. PAYANT.
ROBT. LYNCH.
SAMUEL SEDDON.
JAMES BARKER.
A. WHEELHOUSE.
THOMAS SLATTERY.
GEORGE LANGDON.
B. ELLERTON.
PR. P. HENRY JAMES. }
NICHOLAS S. JAMES. }
J. W. CASTANTIA.
CHARLES DONAVON.

R. B. Hoppner, Esq.

HENRY ASHNESS.
M. D. GALLWEY.
THOMAS LANEGAN.
E. HADLEY.
DOMINICK J. DUFF.
JOHN TOOLE.
JOHN M'KEAN.
M. DOVE.
JOSEPH GALLY.
SAML. SHIRLEY.
GEO. CRUSE.
WILLIAM WYNN.
HENRY CROSS.
JAMES KERSLAKE.
W. DAZZIBAREG.
MATHEUS DE BONO.
NICOLAS CARTANHA.
LUIZ BARBARA.
JOSEPH BROWN.
J. W. GARLAND.
SAMUEL TUGMAN.
JOHN SANGUINETTI.
CHARLES GOODAIR.
J. FLETCHER.
MICHL. KELLY.
JOHN MILNE.
JOHN ARCHBOLD.
CHARLES MILTON GRAVELEY.

Enclosure 2 in No. 17.

R. B. Hoppner, Esq. to the British Residents in Lisbon.

Gentlemen,

Lisbon, 24th September, 1831.

THE approbation of my conduct conveyed to me by your letter of the 21st instant, which was handed over to me yesterday is extremely gratifying to my feelings. Amidst the trying circumstances in which I have found myself since my arrival in this country, the protection of your interests, and the maintenance of the privileges secured to you by Treaties with Portugal, are the objects I have had constantly in view; and it is a source of great satisfaction to me to know that in your opinion my endeavours to attain them have not been altogether fruitless. But whatever may have been my wish to serve you, my efforts would have been paralyzed and of no avail but for the prudent course you have steered throughout the political struggle which has been so long carried on in this unhappy country. It is the conviction of your non-interference in this contest which has obtained for you the protection, and for me the support of His Majesty's Government, secure of a continuance of this conduct on your part and of the consequent support of my superiors, I too may look with indifference on the dangers with which I am threatened here, and while I enjoy your confidence and approbation, I feel that I may safely despise the vile intrigues of those who from party spirit and selfish motives would postpone your interests to those they connect with the country of their adoption, and who with the same intention have sought to mis-represent my motives and to detract from my character.

I need scarcely repeat that you will ever find me anxious to deserve a continuance of your good opinion while I assure you of my gratitude for your present proof of it.

Gentlemen, I have, &c.
The British Residents in Lisbon. (Signed) R. B. HOPPNER.

No. 18.

R. B. Hoppner, Esq. to Viscount Palmerston.—(Received October 3.)

(Extract.)

Lisbon, 24th September, 1831.

Admiral Parker arrived here with His Majesty's ships *Prince Regent* and *Asia* on the 22d instant.

A report having immediately circulated, that these ships had come out with a political purpose, and were to be followed by the speedy recognition of Don Miguel by His Majesty's Government, I thought it advisable to affix the notice (of which I have the honour herewith to transmit a copy) upon 'Change, stating the real purpose of their mission.

M. de Santarem, in order to satisfy me of the readiness of the Portuguese Government to comply with our just demands, shewed me the proceedings which have taken place in the affair of Messrs. Fitzroy and Parnell. In the course of the day, he transmitted to me the note, of which I have the honour to forward a copy and translation, as also of the enclosure which accompanied it, containing an extract from these proceedings, and especially the Pronuncia which is equivalent to the true bill of our grand jury. By these documents, your Lordship will perceive that the culprits have not yet been taken, neither is there any probability of their being brought to justice.

I have the honour to be, &c.

Viscount Palmerston.
 &c. &c. &c.

(Signed)

R. B. HOPPNER.

Enclosure 1 in No. 18.

Lisbon, 23rd September, 1831.

HIS Majesty's Acting Consul-General, thinks it proper to communicate to the British merchants and residents in Lisbon, that His Majesty's Government, in consequence of recent occurrences, has sent two line of battle ships to reinforce the squadron in the river for their protection. His Majesty's Government confidently expect that the British residents will not in any way interfere in the political dissensions of the country; and the Consul-general feels himself justified in stating to them, that it is only in the certainty of non-interference that such protection will be afforded.

(Signed) R. B. HOPPNER, *Acting Consul-General.*

Enclosure 2 in No. 18.

Viscount Santarem to R. B. Hoppner, Esq.

Foreign Office, 23rd September, 1831.

AS soon as I had received your note of the 5th instant in which, in conformity to the orders of your Government you require, that the individuals who ill-treated Messrs. Fitzroy and Parnell, should be brought to trial and confronted with those gentlemen, I addressed a communication accordingly to the Intendant-General of police.

The Intendant has just forwarded to me, as I shewed you in our conference of to day, the papers of the process respecting that occurrence, which consist of the enquiry set on foot by the Magistrate of the district of Alfama, of the report of the officers sent to arrest the accused, and of the summary proceed-

ings of the Magistrates of Rocio and Enxara dos Cavaleiros. By the copy marked No. 1, you will see the names of the individuals accused and the steps taken to arrest them; and by copy No. 2, the measures that were adopted for that purpose, and what was done when it was found that they had absconded. The proceedings are going to be followed up according to the laws of the Kingdom.

I have, &c.

R. B. Hoppner, Esq.

(Signed)

VISCOUNT DE SANTAREM.

Sub-Enclosure A. in No. 18.—(Translation.)

Lisbon, 12th September, 1831.

Copy of an order for the imprisonment of the persons who assaulted and wounded Messrs. Fitzroy and Parnell, &c.

I order the arrest of José Francisco and his two sons Antonio and José of the village of Camondos, parish of St. Lawrence d'Aranho; the Scrivener to take all the necessary measures for their imprisonment, and forwarding the result to the office of the Intendant-General of Police.

(Signed)

MOLTA E SILVA.

Sub-Enclosure B. in No. 18.

In the year of our Lord Jesus Christ 1831, on the night of the 16th and 17th of August, at the village of Camondos district of St. Lourenço, d'Aranho, where I the Scrivener of the district of Ribeira came accompanied by the second Alcaide and four police soldiers in virtue of an order from the Judge Bernardo Antonio da Molta e Silva, Magistrate of the district of Alfama, and in compliance with the order of the Intendant-General of Police, of the 12th instant, directing the arrest of José Francisco and his brother Antonio, both of the said district, on strong suspicion of being implicated in the occurrence and fray which took place in the said village with the Englishmen Fitzroy and Parnell; and having gone to the house of the said accused to which I was guided by the Magistrate of Santiago dos Velleos who had accompanied me from this city, and taken every precaution to prevent their escape, the said Alcaide searched the house carefully, but did not find them. The mother of the individuals sought for, said that her husband and sons had been for some days absent, but that she did not know where they were nor the motive for their flight: and on sending for the Magistrate, Scrivener and Alcaide of the district, Vicente Lourenço, Manoel Theodoro dos Reis, and Antonio José and asking them if they knew where the parties sought for had concealed themselves they declared that they did not; but as I suspected from the style of their answers that they knew and would not tell, and that perhaps they had even warned them of the search that was to be made for them, I ordered that those three individuals above named, should be arrested and conveyed to the goal of this city where they now are; of all of which I now inform you BALTHAZAR GODINHO DA FIGUERA wrote and signed it.

B.

P A P E R S

RELATIVE TO

P O R T U G A L.

C O R R E S P O N D E N C E

RELATIVE TO

T H E F R E N C H D E M A N D S

UPON THE

Government of Portugal,

SUBSEQUENT TO THE 30TH AUGUST, 1831.

LONDON :

PRINTED BY J. HARRISON AND SON.

1831.

CORRESPONDENCE

RELATIVE TO THE

FRENCH DEMANDS.

LIST OF PAPERS.

	Page
No. 1. Viscount d'Asseca ... to Viscount Palmerston	1831. 1
No. 2. Viscount Granville ... to Viscount Palmerston Paris, 9 September,	— 3
No. 3. Viscount d'Asseca ... to Viscount Palmerston London, 12 September,	— 3
No. 4. Viscount Palmerston to Viscount d'Asseca Foreign Office, 20 September,	— 9
No. 5. Viscount Palmerston to Viscount d'Asseca Foreign Office, 20 September,	— 10
No. 6. F. T. de Sampaio ... to Viscount Palmerston ... London.....	24 September, — 10

CORRESPONDENCE

RELATIVE TO THE

FRENCH DEMANDS.

SUBSEQUENT TO THE 30th OF AUGUST, 1831.

No. 1.

Viscount d'Asseca to Viscount Palmerston.—(Received 5th September, 1831.)

Monsieur le Vicomte,

J'AI l'honneur de vous transmettre la copie de la lettre que M. le Vicomte de Santarem a écrite à l'Amiral de Roussin, dans laquelle il refute les raisons que celui-ci lui avait données pour se justifier d'enlever l'Escadre Portugaise. Les raisons que M. de Santarem produit sont si fortes et si justes, que je crois inutile d'y ajouter aucune autre réflexion, pour prouver que, quoiqu'en règle générale, d'après les principes du droit des gens, les prises faites après une déclaration de guerre sont considérées bonnes prises, les circonstances cependant qui ont eu lieu dans ce déplorable événement, ne permettent pas que le cas de la règle générale lui soit appliqué. J'ose donc me flatter encore de l'espoir que le Gouvernement de Sa Majesté Britannique ne pourra pas être sourd aux justes réclamations de Son Allié, qui comptant sur son appui, comme il était en droit de le faire d'après l'existence des Traités, a constamment réclamé, quoiqu'inutilement, dans cette affaire, sa médiation entre les deux pays.

Je profite de cette occasion, &c.

Viscount Palmerston,
&c. &c. &c.

(Signé)

VICOMTE D'ASSECA.

Translation.

My Lord,

I HAVE the honour to transmit to you, a copy of a letter, which the Viscount Santarem has addressed to Admiral Roussin, in which he refutes the reasons given by the latter, in justification of his seizure of the Portuguese Squadron. The reasons adduced by M. de Santarem, are so strong and so just, that I think it unnecessary to make any further observation upon them, to prove that although as a general rule, in conformity with the principles of the rights of nations, captures made after a declaration of war, are considered good prize, yet the circumstances attending this lamentable event, do not admit of an application of this general rule. I venture then, still to indulge in the hope that the Government of His Britannick Majesty, will not continue deaf to the just claims of its Ally, who, relying, as there was every reason to do, upon its support, in conformity with existing Treaties, has constantly claimed, although without effect, its mediation between the two countries.

I profit, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

VISCOUNT D'ASSECA.

Enclosure in No. 1.

The Viscount de Santarem to Admiral Roussin.—(Translation.)

I YESTERDAY had the honour to receive, and to lay before His Majesty, the note which your Excellency addressed to me on the 9th instant. In that note, your Excellency acquaints me, that you have received orders from your Government relative to the Portuguese Squadron, of which your Excellency took forcible possession on the day when you entered the Tagus, and states that your Government is of opinion that those ships belong to it by all the laws of war, and that in fact they had been armed and prepared for fighting, having actually fired on yours; that, though they had defended themselves but a short time, yet in such cases it was not the duration which characterized the combat, but it was sufficient that it began; that there was attack and defence, and that the Portuguese flag was struck, wherefore the capture had been regular, in so much so, that your Excellency had treated the Officer and the crew as prisoners of war; and your Excellency concludes that my protest rested on a distinction between war *de facto*, and war *de jure*; that you cannot admit that after the declaration of May, and the capture of seventeen ships, after your engagement with the fortress of Cascaes, and after the commission you gave to your flag of truce on the 9th July, by which you had offered the alternative of peace or war, there could exist the least doubt as to the relations subsisting between our two countries on the 11th July, that they thus were at war, and that, as you had informed me, the consequences of the war could have been anticipated.

In order fully to reply to what your Excellency maintains, I have only to refer to the law of nations, to the common usage of civilized nations in such cases as those which have occurred between France and Portugal, and to notorious facts.

The law of nations lays down, in regard to the reparations exacted by one Power from the other, when such reparations have been formally refused to the former, which was not the case in the question under review, among other remedies, that of authorizing (in the only case of a formal refusal) the reprisals of nation upon nation, in order that the Power which deems itself offended may obtain, by violent means the reparation which she thinks due to herself, equivalent to the value of what is owing to her, and she may keep the effects taken, until such time as she can hope to obtain justice. To make the reprisals just and legitimate, it is necessary that the cause of the power employing such a rigorous measure should be evidently just, and her debt quite clear and undisputed.

The question respecting France which was unhappily agitated, was not, and cannot, rigorously considered, be that of regular war.

Satisfaction and reparation were demanded; they were not formally refused: still, however, the reprisals were made. But did perhaps, France, to constitute the state of war, publish a Manifesto? did she, according to the laws of nations, declare that the ports of these Kingdoms were blockaded? did Portugal issue Letters of Marque against the French Commerce? did she confiscate, or did she at least employ the right of retaliation on the properties of French subjects? nothing of the kind took place. How can your Excellency therefore appeal to the capture of seventeen Portuguese ships, in order to consider it, according to the above irrefragable principles of the laws of nations, and to these facts, as a proof of the state of regular war?

Your Excellency brings forward another ground, in order to deduce a regular war, and infer thence all the consequences which the laws of nations establish in this case, namely the fact of your engagement with the fortress of Cascaes.

I could wish that your Excellency had spared me the necessity of entering on this point. But as your Excellency refers to it in support of your principles I cannot omit repelling it, and appealing to all Europe, whether it was not a violation of all the laws of nations. Your Excellency is not ignorant of what are the common usages among belligerent powers.

Can the case of Cascaes ever serve as a foundation for the consequences

which your Excellency pretends to draw? Certainly not according to any principle. The case of Cascaes was a manifest violation of territory.

After the reprisals, after unprovoked hostilities, after the unfortunate capture of a ship at anchor under the guns of one of the Portuguese fortresses, what ground can there be alleged, with the view of constituting a regular war, for your Excellency having despatched a flag of truce with the declaration of the 9th of July, in which your Excellency said that you considered this war as declared *de facto*? did perhaps (the alternative established by your Excellency) the Portuguese Government not choose to negotiate with France, in order to afford her the satisfaction she demanded? Did not the Portuguese Government lay down as a basis on which to negotiate? How then can it be contended, when such an offer was made, that Portugal adopted the alternative of war?

Not less unfounded are your Excellency's assertions respecting the Portuguese ships of the squadron which you allege to have been prepared for engaging, and which had fired at yours.

Is there any one in Europe but knows that Portugal so long as three years ago established the blockade of the Isle of Terceira, and that since that time the Portuguese ships were always armed? certainly, no one can dispute this fact. Is it not notorious that the major portion of them was not in a situation to fight? If they had had orders to attack your Excellency's squadron, would they not have made sail and arranged themselves in order of battle? did these ships fire before they had been fired on by those of your Excellency? and if so, which were the Portuguese ships that fired? If they struck, this was in consequence of being obliged to yield to force.

When all these facts are considered, when our right is weighed, can there be established a regular capture conformably with the usages of war and the laws of Nations?

The Portuguese Government, therefore, standing upon its right, confirms, not only in the face of Europe, but most solemnly in the face of the whole world, the Protest which it addressed to your Excellency on the 14th of July last, as it does not admit the condition which prejudices its right.

I avail myself, &c.

Admiral Roussin,
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

No. 2.

Viscount Granville to Viscount Palmerston.—(Received September 12th.)

My Lord, *Paris, 9th September, 1831.*

COUNT SEBASTIANI this morning expressed his surprise at the assertion made in the British Parliament and elsewhere, that the French Government had endeavoured to negotiate a commercial Treaty with Portugal. He authorized me to declare that Admiral Roussin had entered into no negotiation whatever with the Portuguese Government regarding the commercial intercourse between France and Portugal.

I have the honour to be, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed) GRANVILLE.

No. 3.

Viscount d'Asseca to Viscount Palmerston.

Monsieur Le Vicomte,

Londres, ce 12 Septembre, 1831.

J'AI l'honneur de transmettre à Votre Excellence, en vertu des instructions que j'ai reçu de ma cour, les quatre pièces ci-jointes, qui renferment les communications qui ont eu lieu le 24, 25, et 26 Août dernier entre Son Excellence Monsieur Le Vicomte de Santarem et Monsieur Rabaudy, chef des forces

navales que le Gouvernement François persiste à maintenir dans le port de Lisbonne, avec l'étrange présomption, comme Votre Excellence s'en convaincra par la lecture de ces pièces, d'y commander, à peu-près, comme dans un port François.

En vain le Ministère Portugais a-t-il réclamé jusqu'ici le départ des bâtimens de guerre que cet officier a sous ses ordres : au lieu d'obtempérer à nos demandes, Monsieur Rabaudy s'est arrogé le pouvoir de lancer du navire qu'il commande, des invectives et des demandes péremptoires à mon Gouvernement, et de prendre pour les faire exécuter à son gré une position dans le port la plus hostile et la plus menaçante, sous le prétexte d'un crime individuel et isolé, que mon Gouvernement a déploré vivement, et dont il a immédiatement promis de faire punir l'auteur, avec toute la rigueur de ces mêmes lois Portugaises que la France vient de fouler aux pieds, et de rendre moins efficaces par suite de l'agression injuste de son escadre, et par la présence prolongée dans le Tage de ses bâtimens de guerre, qui ont excité et exaspéré le peuple au dernier point, et sont la seule cause de la révolte militaire qui a éclatée dernièrement à Lisbonne, ayant été préparée et produite par les communications et les correspondances coupables et suivies depuis l'entrée des forces navales Françaises dans le Tage, avec plus d'activité que jamais entre les ennemis du Gouvernement à l'intérieur, et ceux de l'extérieur.

Dans cette situation fâcheuse où le Gouvernement Portugais se trouve encore placé aujourd'hui, persécuté comme il est avec un acharnement inouï par une Puissance étrangère formidable, après avoir été surpris et attaqué par Elle sans nulle provocation de notre part, et audacieusement vexé et outragé par ses agens avant, et après avoir été injustement et impitoyablement maltraité, et réduit par la violence à devenir son tributaire en argent comptant, en bâtimens de guerre, et en sacrifices de toute espèce, qui lui ont été dictés au mépris de toutes les convenances et du droit public du monde civilisé, Votre Excellence doit assurément s'attendre à ce que ma Cour proteste de nouveau contre ces extortions outrées et contre cet abus de la force commis à son égard.

Le Gouvernement Portugais ne saurait jamais comprendre que la Grande Bretagne puisse permettre qu'il soit ainsi puni sans appel pour avoir eu confiance dans la foi des engagemens formels, consacrés par une longue suite de Traités entre les deux pays, que Sa Majesté Britannique avait remplis jadis avec empressement et fidélité aux époques diverses où les événemens en ont exigé l'application, et que le Portugal de son côté a exécuté et exécute encore en toute l'étendue des conditions onéreuses que ces Traités lui imposent à l'avantage de l'Angleterre.

Aussi comme ce qui est essentiellement illégal et injuste et de plus attentatoire à l'indépendance du Portugal, ne peut en définitive que mériter l'improbation de la loyale Angleterre, c'est à elle même, mieux éclairée sur la nature et la gravité des circonstances, que mon Gouvernement en appelle derechef par mon organe, contre l'abandon non mérité dont il est victime, et j'ai en conséquence reçu l'ordre de renouveler sa juste réclamation auprès de vous M. le Vicomte, et de solliciter dans les termes les plus pressants les bons offices et l'assistance prompte et efficace de votre Gouvernement, tant pour obtenir de la France la restitution des bâtimens de la Marine Royale Portugaise, emmenés de Lisbonne par l'Amiral Roussin, en dépit de nos protestations fondées sur sa propre déclaration du 11 Juillet, et sur le droit des gens, comme pour parvenir à éloigner du Tage, sans plus de retard les forces navales Françaises qui s'y trouvent encore, malgré nos remontrances appuyées sur la Convention conclu le 14 du même mois, et sur les règles et les usages reçus et respectés de toutes les nations. Mon Gouvernement se plaint à croire que votre Excellence ne manquera pas de reconnoître que c'est non seulement un devoir dont il s'acquitte envers la nation Portugaise, en vous adressant ses doléances et ses plaintes réitérés, mais que c'est aussi un droit qui lui est incontestablement acquis par les stipulations des Traités existans entre l'Angleterre et le Portugal, de requérir votre aide morale et votre secours effectif contre les exactions violentes, les actes d'oppres-

on, et les atteintes portées à notre indépendance par le Gouvernement Français.

J'ose vous supplier, Monsieur le Vicomte, de vouloir bien porter cette communication à la connaissance du Gouvernement de Sa Majesté Britannique, afin qu'il daigne la prendre en considération pour faire droit à nos justes et instantes réclamations, et je vous prie en même tems d'agréer, &c.

(Signé)

VICOMTE D'ASSECA.

(Translation.)

My Lord,

September 12, 1831.

IN obedience to instructions which I have received from my Court, I have the honour to transmit to your Excellency the four enclosed documents which contain the communications which passed on the 24th, 25th, and 26th of August last, between His Excellency the Viscount Santarem and M. Rabaudy, commanding the naval forces which the French Government still maintains in the port of Lisbon, in the extraordinary presumption, as your Excellency will feel convinced on reading these papers, of exercising almost as full a command there as in a French port.

The Portuguese Minister has hitherto in vain demanded the departure of the vessels of war which are under the orders of this officer; instead of complying with our requests, M. Rabaudy has arrogated to himself the power of issuing from the vessel which he commands, invectives against my Government, and peremptory demands upon it; and at the same time, with a view to enforce the execution of these orders, taking the most hostile and the most menacing position in the Port, under the pretext of the commission of one single crime which my Government has not ceased to lament, and of which it immediately promised to punish the author with the utmost rigour of those very laws of Portugal which France has just trodden under foot, and rendered less effective by the unjustifiable aggression of her squadron, and by the protracted stay in the Tagus of her ships of war, which have excited and exasperated the people to the last degree, and which are the sole cause of the revolt of the military which lately broke out at Lisbon, that revolt having been arranged and set on foot by communication and guilty correspondence carried on, from the time of the entrance of the French naval force into the Tagus, with more activity than ever between the enemies of the Government at home and abroad.

In this distressing situation in which the Portuguese Government now finds itself placed, persecuted as it is with unheard-of animosity by a formidable foreign Power, after having been surprised and attacked by it without provocation on our part, and presumptuously harrassed and outraged by its agents before, and after having met with most unjustifiable and cruel ill-treatment, and after having been necessitated by violence to become tributary to that Power as well in money, as in ships of war, and in sacrifices of all kinds, which have been dictated to it in contempt of all courtesy and of the acknowledged rights of civilization, your Excellency assuredly cannot but expect that my Court will make fresh protestations against these immoderate extortions, and against that abuse of power which has been committed to its prejudice.

The Portuguese Government never can be persuaded that Great Britain will allow it to be thus punished without appeal, for having confidently trusted in the faith of formal engagements sanctioned by a long succession of Treaties between the two countries, which His Britannic Majesty had heretofore fulfilled with eagerness and fidelity on various occasions, when events have required their application, and which Portugal on its part has executed, and still continues to execute, to the full extent of the onerous provisions which these Treaties impose on her to the advantage of England. Besides, whatever is essentially illegal and unjust, and what, moreover, encroaches on the inde-

pendence of Portugal, cannot but ultimately meet with the disapprobation of loyal England, it is to her, better acquainted as she is with the nature and the importance of such matters, that my Government once more appeals, through me, against the unmerited desertion under which it is suffering; and I have in consequence received orders to renew its just demand upon you, my Lord, and to solicit in the most urgent manner the good offices, and the prompt and efficacious assistance, of your Government, as well for the purpose of obtaining from France the restitution of the vessels of the Royal Portuguese Navy carried away from Lisbon by Admiral Roussin, in spite of our protestations, founded upon his own declaration of July 11, and upon the rights of nations, as for the purpose of removing from the Tagus, without further delay the French naval forces, which are still there, notwithstanding our remonstrances, supported by the Convention entered into on the 14th of the same month, and by the regulations and usages, received and respected by all nations. My Government indulges in the belief, that your Excellency will not fail to acknowledge, that it is not only a duty, of which I acquit myself towards the Portuguese nation, in addressing to you its grievances and its repeated complaints, but that it is also a right, which it incontestably possesses, in virtue of the stipulations of the Treaties existing between England and Portugal, of claiming your moral assistance, and your effective support against the exactions by force, the acts of oppression, and the attacks directed against our independence, by the French Government.

I venture to beg of you, my Lord, to have the kindness to bring this communication, to the knowledge of the Government of His Britannic Majesty, trusting that they will condescend to take it into their consideration, and that they will do justice to our lawful and earnest demands, and I pray you my Lord, &c.

Viscount Palmerston,
&c. &c. &c.

(Signed)

VISCOUNT D'ASSECA.

Enclosure 1 in No. 3.

M. Rabaudy to Viscount de Santarem.

Melpomène, à 5 heures du soir, le 24 Août, 1831.

J'AI l'honneur de vous informer qu'aujourd'hui à trois heures et demie du soir, le Capitaine Raffy, commandant de la corvette Française *l'Eglé*, s'embarquant à la Cale Sodrè pour se rendre à son bord, a été sur le point d'être lâchement assassiné par un sujet Portugais, qui s'est jeté violemment sur les armes de cet officier et l'en eût percé infailliblement sans le secours d'une personne qui accompagnait le Capitaine Raffy. L'individu a été arrêté par le poste de la Cale Sodrè, plainte par écrit a été portée sur le lieu par cet officier, et remise au chef du Poste.

Ces jours derniers des sujets Anglais ont été victimes d'un pareil guet-à-pens, et l'on n'a pas manqué d'objecter qu'on les prenait pour des Français; aujourd'hui pour éviter cette méprise on s'est jeté sur un officier revêtu de son uniforme, pour ne paraître laisser aucun doute sur l'intention.

Quoique le crime n'ait pas eu son entière exécution, ce qui n'a pas dépendu de la volonté de l'assassin, il ne m'en paraît pas moins évident, et je le considère comme déshonorant pour une nation qui semble l'autoriser, ou du moins n'a pas assez de force pour le reprimer, et auprès de laquelle désormais les étrangers ne peuvent plus trouver de sûreté.

En conséquence, je demande à ce que cet assassin soit jugé immédiatement, et que, dans les 48 heures qui suivront la date de ma dépêche, connaissance officielle me soit donnée de l'arrêt qui aura été prononcé, et, si contre mon attente il était de nature à rendre le châtiment illusoire, je ne le regarderai pas comme une satisfaction obtenue.

J'observerai à votre Excellence que l'indignation que j'éprouve d'un pareil attentat sera partagée par la nation Française.

Je profite, &c.

Son Excellence M. le Vicomte de Santarem,

(Signé)

RABAUDY.

&c.

&c.

&c.

Translation.

Melpomène, 5 in the Evening, 24th August, 1831.

I HAVE the honour to inform you that at half past three o'clock this afternoon, Captain Raffy, commanding the French corvette *l'Eglé*, while embarking at the Quay Sodré to go on board his own vessel, was on the point of being cowardly assassinated by a Portuguese subject, who violently seized upon the arms of that officer, and would have infallibly killed him but for the assistance of a person who accompanied Captain Raffy. The individual was arrested by the guard of the Quay Sodré; a written charge was made upon the spot by that officer, and placed in the hands of the Commander of the post.

Within the last few days, some English subjects have become victims of a similar outrage, and the defence advanced was, that they were mistaken for Frenchmen. To-day, that there might be no mistake, an attack was made upon an officer in uniform, the object apparently being to leave no doubt whatever as to the real intention.

Although the crime was not completed, which must by no means be ascribed to the wish of the assassin, its intention is not the less evident to me, and I consider it as dishonourable to a nation which appears to authorize such crimes, or at least possesses not the power of repressing them, and among which, henceforth, foreigners cannot look for safety.

In consequence, I demand that this assassin may be tried without delay, and that within 48 hours from the date of my letter, official information may be made to me of the sentence which shall have been passed; and if, contrary to my expectation, it shall be of such a nature as to render punishment nominal, I will not consider it in the light of a satisfaction.

I will further observe to your Excellency, that the indignation which I feel at such an outrage will be shared by the French Nation.

I profit, &c.

His Excellency Viscount de Santarem,

(Signed)

RABAUDY.

&c.

&c.

&c.

Enclosure 2 in No. 3.

Viscount Santarem to M. de Raudy.—(Translation.)

Secretary of State's Office for Foreign Affairs,
August 24th, 1831.

I HAVE had the honour to receive your letter of to-day respecting the crime committed at Caes do Sodré against M. Raffy, the commander of *L'Eglé*, French corvette.

Though I was penetrated with the most poignant grief at that occurrence, I was at the same time glad to learn that the perpetrator was apprehended by an officer of the police who happened to be on the spot.

The individual in question shall be immediately put on his trial. But I

must observe to you, that, as in all civilized countries there are certain forms to be gone through on occasion of all criminal trials, it is impossible to pre-determine any fixed term for its conclusion. The moment, however, that the sentence shall have been pronounced I will not fail to acquaint you of the result.

I avail myself, &c.

M. de Rabaudy,
&c. &c. &c.

VISCOUNT DE SANTAREM.

Enclosure 3 in No. 3.

M. de Rabaudy to Viscount Santarem.

Melpomène, le 25 Août, 1831.

LA réponse à la lettre que j'ai eu l'honneur de vous adresser le 24 vient de me parvenir aujourd'hui à 5 heures du soir. J'y vois avec étonnement Monsieur que vous mettez un terme qui pourrait être très éloigné à la répression d'un crime dont la prompte punition seule était indispensable pour la sûreté des hommes qui sont sous mon commandement.

Ne trouvant pas d'après la manière lente de procéder de votre Gouvernement, les garanties nécessaires pour arrêter des attentats qui malheureusement se sont trop souvent renouvelés depuis quelque tems, je me vois forcé, en attendant des ordres du Roi de prendre des dispositions pour assurer mes relations avec l'agent Français, et protéger efficacement nos nationaux.

En conséquence un des mes batimens va se rendre au mouillage de la Cale Sodré, où il restera jusqu'à ce que l'assassin aura reçu la juste punition de son crime.

J'ai vu dans la Gazette de Lisbonne d'aujourd'hui que l'on a abrogé des formalités de procédure: je ne doute pas, Monsieur, qu'on ne puisse faire la même application à l'affaire qui fait le sujet de ma réclamation, si votre Gouvernement veut donner une satisfaction à la France.

Dans le cas où vous ne feriez pas tout ce qui dépendra de vous pour obtenir cette prompte justice, il me sera bien démontré que, loin d'arrêter de pareils désordres, vous les protégez. J'en appelle à votre honneur.

Je profite, &c.

Vicomte Santarem,
&c. &c. &c.

(Signé)

RABAUDY.

(Translation.)

Melpomène, 25th August, 1831.

THE answer to the letter which I had the honour of addressing to you on the 24th, has reached me this afternoon at 5 o'clock. I there, Sir, see with astonishment, that you fix a time, which may be far distant, for the punishment of a crime, of which the prompt expiation was indispensable for the safety of the men who are under my command.

Not finding, from the dilatory mode of proceeding of your Government, the necessary guarantees for the repression of outrages which unfortunately have been too often repeated for some time past, I find myself compelled, while awaiting the commands of my King, to take measures for the preservation of my communication with the French agent, and for the effectual protection of my countrymen.

In consequence, one of my vessels will proceed to the anchorage of Cale Sodré, where it will remain until such time as the assassin shall have received the due punishment of his crime.

I have seen in the Lisbon Gazette of this day, that the usual formalities of proceedings are sometimes dispensed with, and I cannot doubt, Sir, that the same course will be followed with regard to the affair which is the subject of my demand, should your Government be desirous to afford satisfaction to France.

In the event of your failing to use your best exertions to obtain the performance of this act of justice without loss of time, it will be clear to me that so far from repressing such disorders, you afford them your protection. I appeal, thereupon, to your honour.

I profit, &c.

The Viscount Santarem,
&c. &c. &c.

(Signed) RABAUDY.

Enclosure 4 in No. 3.

Viscount Santarem to M. Rabaudy.—(Translation.)

Secretary of States Office for Foreign Affairs.

26th August, 1831.

WHEN Mr. Durien to-day delivered to me your letter of yesterday, I was just on the point of informing you that the Intendancy-General of the Police had given peremptory orders to the proper magistrate to bring to a conclusion within three days, the trial of the individual who was guilty of the affront, of annoying Mr. Raffy, and to transmit the proceedings to that Intendancy to the end that the law might immediately take its course.

The expedition with which this matter is conducted, will obviously prove the contrary of the gratuitous assertions of your letter which ascribes to His Majesty's Government delays that have no existence.

It remains for me to intimate to you, that I read with the greatest surprise what you wrote to me concerning the step you were about to take of stationing one of the two French ships in another anchoring-place, than that established by the Regulations of the Port of Lisbon, and contrary to what is laid down in Articles 3 and 8 of the Regulations, dated the 7th June, 1811, and the 2d of May this year.

Such a proceeding being contrary to all principles of the Law of Nations, I forthwith protest against such a measure in the name of my Government.

I avail myself, &c.

M. Rabaudy.
&c. &c. &c.

(Signed) VISCOUNT DE SANTAREM.

No. 4.

Viscount Palmerston to Viscount d'Asseca.

Monsieur Le Vicomte,

Foreign Office, 20th September, 1831.

I HAVE had the honour to receive your letter of the 12th instant, in which you request that His Majesty's Government will interpose their good offices with the French Government to obtain from the latter the restitution of the Portuguese ships of war captured in the Tagus, and an order to the French Naval Commander on that station to withdraw the ships under his command.

In reply, I beg to state, that on the first point I can only refer you to the

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letter which I had the honour to address to you on the 26th August. And on the second point, I have to observe, that it is not surprizing that the French naval Commander should have taken, for the protection of French subjects in Lisbon, the same measures which the recent disorders and outrages in that capital have compelled the Commander of the British naval force to adopt, with a view to the personal safety of His Majesty's subjects.

I have the honour to be, &c.

Viscount d'Asseca.

&c. &c. &c.

(Signed)

PALMERSTON.

No. 5.

Viscount Palmerston to Viscount d'Asseca.

Monsieur Le Vicomte,

Foreign Office, 20th September, 1831.

IN the letters which I had the honour of receiving from you on the 23rd and 27th ultimo, you stated that Admiral Roussin, who commanded the French squadron lately in the Tagus, was engaged in an endeavour to negotiate with the Portuguese Government a Treaty for the purpose of obtaining for France certain advantages in her commerce with Portugal:—this statement being at variance with other statements which His Majesty's Government have received officially from other quarters, I shall be much obliged to you, M. Le Vicomte, if you will inform me whether your statements above mentioned rested upon any precise and specific information, and whether you have since received any authentic report of the result of the negociation in question.

I have the honour to be, &c.

Viscount d'Asseca.

&c. &c. &c.

(Signed)

PALMERSTON.

No. 6.

F. T. de Sampayo to Viscount Palmerston.

My Lord,

London, 24th September, 1831.

I HAVE the honour, in my capacity of Consul-General for Portugal, to acknowledge the receipt of your Lordship's communication of the 20th instant, addressed to the Viscount d'Asseca, in which your Lordship requests to be informed whether the statements made in the Viscount d'Asseca's letters respecting the endeavours of the French Admiral to negotiate with the Portuguese Government for certain commercial advantages rested upon any precise and specific information, and whether the Viscount had since received any authentic report of the result of the negociation in question.

In reply thereto I beg leave to state that, anxious to comply with your Lordship's request, as far as I am able, I immediately proceeded to make myself acquainted with the contents of the Viscount d'Asseca's communications made to your Lordship, and his official correspondence from Lisbon.

From the researches into which I have entered, it appears that at the time when Viscount D'Asseca called your Lordship's particular attention, by his communications of the 23rd and 27th August, to the endeavours making by the French Admiral in Lisbon to secure commercial advantages to his countrymen, on the plea of the great disparity existing between the commerce of France and England carried on with Portugal, and tending to place both on the same

footing, he did so in accordance with the express orders of the Portuguese Government ; and if the Viscount did not then forward to your Lordship a copy of the agreement entered into by His Excellency the Viscount de Santarem and Admiral Roussin, he must have been under the impression that your Lordship could not fail to be apprized of all that was passing in this respect in Lisbon by His Britannic Majesty's Consul. I am more strongly induced to draw this conclusion, as your Lordship will have remarked that the Viscount d'Asseca, in his communication of the 23rd August, distinctly states that Baron Roussin had already obtained certain preliminary concessions, which could only have reference to the agreement in question, and with which he must have presumed that your Lordship was acquainted.

Finding, however, from the tenour of your Lordship's polite communication of the 20th instant, that this is not the case, I hasten to enclose to your Lordship a transcript of the authenticated copy, sent by my Government to the Viscount d'Asseca, of the document containing the agreement above mentioned, signed by His Excellency the Viscount de Santarem and Admiral Roussin.

I hope, my Lord, that the explanation will prove satisfactory, desirous as I am to meet your Lordship's wishes on this as well as on every other occasion.

I have the honour, &c.

Viscount Palmerston.
&c. &c. &c.

(Signed)

F. T. DE SAMPAYO.

Enclosure in No. 6.

Dispositions résultantes des Conférences qui ont eu lieu le 20 et 22 Juillet, entre M.M. le Vicomte de Santarem, Ministre des Affaires Etrangères de Portugal, et l'Amiral Baron Roussin, Commandant en Chef de l'Escadre Française.

1° Afin de remédier à l'inexactitude des Articles des Journaux imprimés tant à Lisbonne qu'à Oporto relativement à ce qui s'est passé à Lisbonne depuis le 11 de ce mois, il est convenu qu'une note exacte de ces faits sera insérée dans le plus prochain numero de ce Journal.

Avant sa publication cette note sera communiquée à M. l'Amiral.

2° Au sujet de l'obligation où les passagers Français arrivant à Lisbonne sont mis de séjourner dans le fort de Belem sans leur permettre la libre communication, il est convenu que cet usage sera supprimé lors que les passagers présenteront un passeport visé de l'Agent Portugais accrédité au port du départ, et selon les réglemens de Police.

On entend par agent accrédité non pas toujours un Agent Consulaire, car il se peut qu'il n'en existe pas ; mais un Agent admis en France au même titre que les Agens Français seront reçus en Portugal comme représentant les intérêts de leurs nationaux.

Il sera donc recommandé aux passagers des deux Pays de s'en pourvoir à leur départ, de ces Agens réciproques. Le droit qui sera perçu pour obtenir ce visa devra être le même de part et d'autre.

Lorsque les passeports de passagers Français ne seront pas revêtus du visa dont il s'agit, ces passagers seront tenus de présenter pour caution un citoyen Français ou étranger autorisé à résider à Lisbonne.

3° Au sujet de ce qui s'est passé antérieurement à *Setubal* et *Vianna*, à l'occasion du Navire *la Bressanne*, M. le Vicomte de Santarem ayant donné connaissance des explications adressées à ce sujet au Consul de France et au Gouvernement Français, M. l'Amiral s'en est montré satisfait.

4° Sur les représentations de M. l'Amiral au sujet de la défaveur, qui frappe le commerce Français à Lisbonne, M. le Vicomte de Santarem ayant fait des explications sur ce sujet, a déclaré que dans le cas de se traiter dans l'avenir des arrangemens de commerce, le Gouvernement Portugais est disposé à traiter sur cela d'une manière avantageuse pour la France et réciproquement pour le Portugal.

5° Sur la question de savoir comment seraient payées les indemnités (Article 7^{me} de la Convention) au Sr. Vallon et aux Français restés à Lisbonne après le départ du Consul de France, il a été convenu que quand elles seront réglées entre les Agens des deux Gouvernemens, elles seront payées jusqu'à la concurrence de 20,000 francs, chacune en Argent de France si elles ont été réglés à Paris, ou en Argent de Portugal, si elles ont été réglées à Lisbonne.

6° Sur la question de savoir si l'Article 11, de la Convention implique positivement l'obligation au Gouvernement Portugais de mettre sur le champ en liberté, tous les Français emprisonnés pour cause politique, M. de Santarem a répondu sur son honneur affirmativement.

7^{me} Sur la question de savoir quelle garantie serait donnée de la protection accordée aux sujets Français par le Gouvernement Portugais en Lisbonne en absence d'une force Navale Française, M. le Vicomte de Santarem a répondu sur son honneur que les sujets Français jouiraient en Portugal de toute la protection de son Gouvernement, à la seule condition qu'ils se conformeraient aux loix du Pays.

Qu'ils ne seront jamais arrêtés ni poursuivis, *sauf le cas de flagrant délit*, le délinquant ayant été arrêté, il en sera donné avis sur le champ au Juge Conservateur qui donnera les explications nécessaires pour confirmer l'arrestation, si elle doit être annulée en se conformant aux règles adoptées sur l'extradiction entre les nations amies.

Pour faciliter les dispositions contenues au présent Article, il a été convenu qu'à défaut d'Agens Consulaires reconnus de part et d'autre, chaque Gouvernement nommera un Agent de sa nation, dans les villes où il en sera besoin afin d'être l'intermédiaire, et le représentant de ses nationaux auprès des Autorités locales.

M. André Humien, citoyen Français, domicilié à Lisbonne, ayant été proposé par l'Amiral Roussin en qualité d'Agent Français à Lisbonne, M. le Vicomte de Santarem en a témoigné son plein consentement.

8^{me} Enfin on est convenu de nouveau et par confirmation de ce qui a été fait à l'occasion de l'Article 17 de la Convention, que le Gouvernement Portugais s'engageait formellement à ne faire aucune disposition militaire de défense sur les forts de l'entrée du Tage pendant le séjour de l'Escadre Française dans ce fleuve.

M. l'Amiral s'est engagé dans le cas où cette note sera signée de part et d'autre avant le 25 de ce mois, à renvoyer ce jour même ou avant, selon l'Article 20 de la Convention, à Toulon, la plus grande partie de son Escadre.

(Signé) Le C. Amiral Commandant en Chef,
BARON ROUSSIN.

Le Ministre et Secrétaire d'Etat des Affaires Etrangères,
VICOMTE DE SANTAREM.

A true Copy F. T. DE SAMPAYO.

(Translation.)

Arrangements resulting from the Conferences held on the 20th and 22d of July, between the Viscount de Santarem, Minister for Foreign Affairs of Portugal, and Admiral Baron Roussin, Commander-in-Chief of the French Squadron.

1. IN order to remedy the inaccuracy of the article in the newspapers printed as well at Lisbon as at Oporto, respecting what has passed at Lisbon since the 11th of this month, it is agreed that an exact report of these facts shall be inserted in the next number of that journal.

Before its publication this report shall be communicated to the Admiral.

2. With reference to the necessity imposed upon French travellers arriving at Lisbon, of remaining in the Fort of Belem, without being permitted free communication with the town, it is agreed that this custom shall be departed

from in all cases in which the travellers present a passport countersigned by the Portuguese agent accredited at the port of their departure, and according to the regulations of the Police.

By accredited agent is understood, not always a Consular agent, for it may be that none may exist; but an agent admitted into France on the same footing as French agents shall be received in Portugal as representing the interests of their countrymen.

It shall therefore be recommended to travellers from both countries to provide themselves, at their departure, with such passports from the agents above alluded to. The fee to be paid for this visa shall be the same on both sides.

When the passports of French travellers shall not be provided with the visa here spoken of, these travellers shall be required to procure as surety, a French subject, or foreigner authorized to reside at Lisbon.

3. With reference to what formerly passed at Setubal and Vianna, respecting the vessel *la Bressanne*, Viscount de Santarem having communicated the explanations addressed on this subject to the French Consul, and to the French Government, the Admiral has declared himself satisfied therewith.

4. Upon the representation of the Admiral, upon the subject of the disadvantages which the French commerce suffers at Lisbon, the Viscount de Santarem having furnished explanations upon this subject, has declared that in the event of commercial arrangements being hereafter the subject of negotiation between the two countries, the Portuguese Government agrees that such negotiation shall be conducted upon principles advantageous to France, and reciprocally so for Portugal.

5. Upon the question as to the mode in which the indemnities shall be paid (Art. 7 of the Convention) to the Sieur Vallon, and to the French who have remained at Lisbon after the departure of the French Consul, it is agreed that when the arrangements shall have been settled between the agents of the two Governments, the indemnities shall be paid to the amount of 20,000 francs to each, in money of France if the payments are to be made at Paris, or in money of Portugal if they are to be made at Lisbon.

6. As to the question, whether the 11th Article of the Convention imposes upon the Portuguese Government the positive obligation of immediately setting at liberty all Frenchmen who may have been imprisoned on political grounds, M. de Santarem answered upon his honour in the affirmative.

7. Upon the question of what guarantee would be given of the protection granted to French subjects by the Portuguese Government in Lisbon, in the absence of a French naval force, the Viscount de Santarem answered upon his honour that French subjects should enjoy in Portugal the entire protection of the Government, on the sole condition that they should conform themselves to the laws of the Country.

That they should never be arrested nor prosecuted, unless in the case of overt act, when, upon the arrest of the delinquent, notice shall be immediately given to the Judge Conservator, whose sanction will be necessary to confirm the arrest, which otherwise ought to be annulled in conformity with the regulations of reciprocal surrender existing among friendly nations.

In order to facilitate the arrangements contained in the present Article, it is agreed, that in the absence of recognized Consular agents on either side, each Government shall nominate an agent of its own Country in the Towns where they may be required, in order to be the organ and the representative of his countrymen with the local authorities.

Monsieur André Humien, a French citizen, established at Lisbon, having been proposed by Admiral Roussin in the character of French agent at Lisbon, the Viscount de Santarem expressed his full consent to it.

8. Finally, it has been agreed upon again, and in confirmation of what was arranged by the 17th Article of the Convention, that the Portuguese Government engages formally not to make any military dispositions for the defence

of the forts at the mouth of the Tagus during the stay of the French Squadron in that river.

The Admiral engages, that in case this note shall be signed on both sides before the 25th of this month, that he will on or before that day, according to the 20th Article of the Convention, send back the greater part of his Squadron to Toulon.

(Signed) The Vice-Admiral Commander-in-Chief,
BARON ROUSSIN.

The Minister and Secretary of State for Foreign Affairs,
VISCOUNT DE SANTAREM.

LIST OF SESSIONAL PAPERS,

AND

GENERAL INDEX:

SESS. 1831.

LIST OF SESSIONAL PAPERS.

1831,

IN THEIR NUMERICAL ORDER.

Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	2 WILL. IV.
1.	June 21.	PRIVATE BILLS - - -	Sessional Resolutions, limiting Time for presenting, and respecting Bills of last Session - - - - -	XVII. 595.	
2.	- 22.	Bankrupt Laws - - -	Bill amending Act 6 Geo. IV. - - -	I. 109.	
3.	- -	Oaths before Lord Steward -	Bill to repeal certain Acts respecting -	II. 545.	c. 9.
4.	May 1.	East India - - - -	Annual Revenue Accounts, 1826-1829	XIX. 13.	
5.	- 23.	Deputy Lieutenants (Scotland)	Bill to indemnify those who have acted without Qualification - - - -	I. 385.	c. 3.
6.	- -	Buckingham Palace - - -	Bill to repeal Boundary Fence Assess- ment - - - - -	I. 145.	
7.	- -	Statute of Frauds - - -	Bill, amending provisions of - - -	I. 669.	
8.	- -	Attestation of Instruments -	Bill for amending Laws respecting -	I. 31.	
9.	- -	Ecclesiastical Corporations -	Bill authorizing Exchanges of Lands -	I. 471.	
10.	- 24.	Highways (England) - - -	Bill to consolidate and amend Laws re- specting - - - - -	II. 227.	
11.	- -	Coals in London and West- minster, &c. - - - -	Bill to regulate the Vend and Delivery of	I. 211.	
12.	- -	Public Accounts (Ireland) -	Nineteenth Report of the Commissioners for Auditing Public Accounts - - -	X. 185.	
13.	- -	Education (Ireland) - - -	Annual Report from the Commissioners of, for the year ending 25 March 1831	XII. 101.	
14.	- -	East India Accounts - - -	Annual Accounts of Sale of Goods, and of new or increased Salaries, Allow- ances or Superannuations - - -	XIX. 13.	
15.	- -	Coals (Ireland) - - - -	Local Dues and Taxes on the Importa- tion of, for the last Threc Years -	XVII. 79.	
16.	- -	Candles and Wax - - - -	Duty on Wax and Spermaceti Candles; and Duty charged on Foreign Wax in 1830 - - - - -	XVII. 77.	
17.	- -	Waterford Trade - - - -	Imports and Exports to and from Water- ford, 1825-1830; and Tonnage which entered Inwards or cleared Outwards, 1827-1830 - - - - -	XVII. 319.	
18.	- -	Corporate Property - - -	Bill for preventing application of, to Elec- tion Purposes - - - - -	I. 339.	
19.	- -	Customs and Excise Oaths -	Bill for diminishing the Number of -	I. 373.	c. 4.
20.	- -	Duchy of Cornwall - - -	Bill to enable His Majesty to grant Leases - - - - -	I. 465.	c. 5.
21.	- -	Insane Persons - - - -	Bill to regulate the Care and Treatment of, in England - - - - -	II. 453.	
22.	- -	Reform in Parliament - - -	Bill to amend the Representation in Eng- land and Wales - - - - -	III. 9.	
23.	- 25.	Ordnance Department - - -	Estimates of the Charge of, including Superannuated Allowances for 1831 -	XIII. 95.	
24.	- -	Army - - - - -	Estimates of Services for the year 1831 -	XIII. 1.	

Sess. 1831.

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	2 WILL. IV.
25.	June 25.	Civil Contingencies - - -	Sums expended for, in 1830; and Amount required for 1831 - - - }	XIII. 355.	
26.	- -	Navy Estimates - - -	Ordinaries of the Navy; and building and repairs of Ships for 1831 - - }	XIII. 149.	
27.	- -	Estimates - - -	I. Miscellaneous Services - - -	XIII. 221.	
28.	- -	- - -	II. Miscellaneous Services - - -	XIII. 237.	
29.	- -	- - -	III. Miscellaneous Services - - -	XIII. 249.	
30.	- -	- - -	IV. Miscellaneous Services - - -	XIII. 263.	
31.	- -	- - -	V. Miscellaneous Services - - -	XIII. 293.	
32.	- -	Law Expenses (Scotland) -	Estimate for, heretofore paid out of the Hereditary Revenue - - - }	XIII. 349.	
33.	- -	Commissariat - - -	Estimate for the Supply of Bread, &c. for 1831 - - - }	XIII. 87.	
34.	- -	Army Extraordinaries - -	Extraordinary Expenses for 1830; Estimate of Sum required for 1831 - }	XIII. 49.	
35.	- -	Roman Catholic Charities -	Bill, for better securing Donations and Bequests to - - - }	III. 393.	
36.	- -	Turnpike Roads (Scotland) -	Bill for amending and making more ef- fectual the Laws relating to - - }	III. 495.	c. 43.
37.	- -	Corn - - -	Persons appointed to make Returns of Sales of Corn, under 7 & 8 Geo. IV. c. 58, and their Salaries - - - }	XVII. 203.	
38.	- -	Exchequer Bills - - -	Sum required for Interest on, for 1831 -	XIII. 437.	
39.	- -	British Museum - - -	Estimate for the Establishment for 1831	XIII. 303.	
40.	- -	Public Accounts - - -	Papers from Committee on Public Ac- counts, in Sessions 1830-31 - - }	XIV. 1.	
41.	- 27.	Metropolis Turnpike Roads -	Fifth Report of Commissioners of, north of the Thames - - - }	XII. 1.	
42.	- -	Tanjore Debts - - -	Seventh Report of Commissioners ap- pointed to consider the Claims on the Rajah of Tanjore - - - }	XII. 81.	
43.	- -	Private Bills - - -	Lists for Committees on Petitions for Private Bills - - - }	XVII. 597.	
44.	- -	Dean Forest Boundaries -	Bill for ascertaining, and the Rights of Free Miners of St. Briavels - - }	I. 377.	c. 12.
45.	- -	Mint - - -	Bill to reduce the Salary of the Master	II. 541.	c. 10.
46.	- -	Ways and Means - - -	Surplus Money in the Exchequer, at the disposal of Parliament - - - }	XIII. 373.	
47.	- -	Exchequer Bills - - -	Account of, issued and unprovided for; and Amount of Monies in the Ex- chequer - - - }	XIII. 439.	
48.	- -	Tobacco (Ireland) - - -	Bill to prohibit the Growth of - - -	III. 483.	c. 13.
49.	- -	Cholera Morbus - - -	Information communicated to Govern- ment concerning; Names of Persons appointed as a Board of Health - }	XVII. 627.	
50.	- -	Public Accounts - - -	Report of Messrs. Brooksbank & Beltz on the Progress made in Public De- partments for a new System of Book- keeping - - - }	XIV. 289.	
51.	- -	Commissions, Patents, &c. (Ireland) - - - }	Bill for renewing, continuing, and in- demnifying certain Persons - - }	I. 301.	c. 2.
52.	- 28.	Quebec Civil Government -	Bill for defraying Charges of the Admi- nistration of Justice and the Support of the Civil Government - - - }	I. 149.	c. 23.
53.	- -	Settlement by Hiring and Service	Bill for altering and amending the Laws of	III. 397.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	a WILL. IV.
54.	June 28	Tenements under a certain annual Value - - - - }	Bill for the better rating thereof - -	III. 441.	
55.	- -	Distillation (Ireland) - -	Bill to suppress Illicit Distillation of Spirits - - - - }	I. 389.	c. 55.
56.	- -	Land Tax Double Assessment	Bill to explain Acts relating thereto -	II. 417.	c. 41.
57.	- 29.	Canine Madness - - -	Bill to prevent the spreading thereof -	I. 169.	
58.	- -	Malt - - - - -	Number of Bushels charged with Duty; Quantity used by Brewers and Distillers, 1829-1830 - - - }	XVII. 383.	
59.	- -	Hops - - - - -	Duty on Hops, growth of 1830; Land under cultivation with; Quantity imported and exported, 1830 - - }	XVII. 245.	
60.	- -	Beer - - - - -	Quantity, and different sorts Exported and Brewed; Malt used; Number of Licensed Brewers, Victuallers, &c. 1830 - - - - }	XVII. 67.	
61.	- -	Spirits - - - - -	Proof Spirits of the manufacture of the United Kingdom, and Foreign Spirits that paid Duty for Home Consumption, 1828-1830 - - - }	XVII. 381.	
62.	- 30.	Reform in Parliament (Ireland)	Bill to amend the Representation of the People - - - - - }	III. 267.	
63.	- -	Game Laws - - - - -	Bill to amend Laws in England relative to Game - - - - - }	II. 9.	c. 32.
64.	- -	Parliamentary Representation	Applications from Places to be continued in, or admitted to the right of sending Members to Parliament - - - }	XVI. 1.	
65.	- -	East India Affairs - - -	Minutes of Evidence on the Affairs of The East India Company - - }	V. 1.	
66.	- -	Reform in Parliament (Scotland)	Bill to amend the Representation of the People - - - - - }	III. 217.	
67.	July 1.	Queen Anne's Bounty - -	Purchases completed by the Government, 1800, 1805, 1812, 1815, 1820, 1825 and 1826, specifying the Locality, &c. - - - - }	XV. 21.	
68.	- -	Parliamentary Representation -	Further Information as to the amount of Population, and Number and Value of Houses, in Places sending or proposing to send Members to Parliament - }	XVI. 81.	
69.	- 4.	Parliamentary Representation -	Assessed Taxes in each Place sending Members to Parliament, 1829-1831 - }	XVI. 143	
70.	- -	Assessed Taxes (England) -	Cases determined on Appeal, subsequent to February 1831 - - - - }	XVII. 1.	
71.	- -	Waterloo Bridge New Street -	Estimate of Expense to be incurred, distinguishing Public and Private Parties }	XIII. 307.	
72.	- -	Corn (Foreign) - - - -	Consuls Returns of the Price of, at various Foreign Ports - - - }	XVII. 91.	
73.	- -	Cotton Factories - - - -	Bill to amend Laws relating to Apprentices, &c. employed therein - }	I. 345.	c. 39.
74.	- -	Inclosure Acts - - - -	Bill to remedy Defects in Titles of Lands taken under Inclosure Acts - }	II. 353.	
75.	- -	Lead - - - - -	Quantity of Lead & Lead Ore imported, and from whence, in 1830 - - }	XVII. 329.	
76.	- 5.	Marine Insurance - - - -	Amount of Stamps received, 1830, distinguishing Sums received on Policies effected in London - - - }	XVII. 343.	
77.	- -	Fire Insurance - - - -	Amount of Duties for 1830, distinguishing the Offices, and the Amount or Allowances made to each - - }	XVIII. 241.	

Sess. No.	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	2 WILL. IV.
78.	July 5.	Public Accounts France -	Report on the Public Accounts of France } to the Lords of the Treasury, by John } Bowring - - - - - }	XIV. 339.	
79.	- -	Pensions (Scotland) - -	Amount granted out of the Civil List of } Scotland, from 20th June 1830 to 20th } June 1831 - - - - - }	XIII. 423.	
80.	- -	Assessed Taxes (Scotland) -	Cases determined on Appeal by the } Barons of the Court of Exchequer, } from 26th October 1830 to 14th June } 1831 - - - - - }	XVII. 51.	
81.	- -	Courts of Common Law - -	Bill for regulating the Receipts and ap- } propriation of Fees received by supe- } rior Officers of - - - - - }	I. 305.	c. 35.
82.	- -	Assessed Taxes - - - -	Bill to continue Compositions for, for a } further term - - - - - }	I. 27.	c. 7.
83.	- -	Militia - - - - -	Bill to suspend the making Lists and the } Ballots for - - - - - }	II. 533.	c. 8.
84.	- 8.	Parliamentary Representation -	Assessed Taxes in 1828-1830 on Places } contained in Schedules C. & D. of the } Reform of Parliament Bill, England } and Wales - - - - - }	XVI. 151.	
85.	- -	Militia Estimates - - -	Report from Committee appointed to } prepare Militia Estimates - - - }	IV. 677.	
86.	- 11.	Public Works (Ireland) - -	Bill for the extension and promotion of	III. 703.	c. 33.
87.	- -	Pensions Civil List - -	Estimate of Sum required for Salaries, } Pensions, &c. for which no provision } has been made in the Civil List of } His Majesty - - - - - }	XIII. 375.	
88.	- -	New Churches - - - -	Applications made to Commissioners for } declaration of perpetual Patronage - }	XV. 1.	
89.	- -	Coals, Slates, Cotton, Wool, } Barilla, Wax - - - - }	Bill for discontinuing and altering the } Duties of Customs on - - - - }	I. 297.	c. 16.
90.	- 12.	House-rent of able-bodied La- } bourers - - - - - }	Bill to prevent the practice of paying, } out of the Poor's Rate - - - - }	II. 351.	
91.	- -	Militia, Ballot and Lists Sus- } pension - - - - - }	Bill [as amended by the Committee] -	II. 537.	c. 8.
92.	- 13.	Courts of Common Law - -	Third Report of Commissioners on the } Practice of the superior Courts of } Common Law - - - - - }	X. 375.	
93.	- -	Ecclesiastical Inquiry (Ireland)	Report of Commissioners, dated 18th } April 1831 - - - - - }	IX. 73.	
94.	- -	Turnpike Roads (England) -	Bill regulating certain Exemptions from } Toll - - - - - }	III. 487.	c. 25.
95.	- 11.	Waterloo Bridge New Street -	Bill [as amended] - - - - -	III. 663.	c. 29.
96.	- 15.	Gloves - - - - -	Number of dozen pair imported, and } Amount of Duty paid thereon, 1828- } 1830 - - - - - }	XVII. 243.	
97.	- -	Corn - - - - -	Foreign Corn imported into Great Bri- } tain and Ireland between 5th April } 1830 and 5th April 1831; Amount of } Duty thereon - - - - - }	XVII. 201.	
98.	- -	Wine - - - - -	Wines remaining in the entered Stocks, } Duty paid on 5th January 1830 and } 1831; Duty paid on each description } of Wine in 1829-1830 - - - - }	XVII. 481.	
99.	- -	Criminal Informations - -	Applications for leave to file, against } Justices of the Peace in England and } Wales - - - - - }	XV. 87.	
100.	- -	Public Works Expenditure -	Treasury Minute, &c. for giving Parlia- } ment a more effectual controul over - }	XVII. 561.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. If the Bill passed.
	1831.			1831.	2 WILL. IV.
101.	July 15	Slaves (H. Williams.) - -	Communications relative to the reported Maltreatment of a Slave named Henry Williams - - - - -	XIX. 293.	
102.	- -	Crown Revenues (Canada) -	Financial Arrangements relating thereto between the Governors and the Legis- latures of Canada - - - - -	XIX. 1.	
103.	- -	Cape Wines - - - - -	Representation from the Cape of Good Hope to His Majesty's Government respecting - - - - -	XVII. 485.	
104.	- 18.	Queen's Dower - - - - -	Bill enabling His Majesty to provide for	II. 603.	c. 11.
105.	- -	Embankments (Ireland) - -	Bill to enable Landed Proprietors to sink, embank, or remove Obstructions in Rivers - - - - -	I. 513.	c. 57.
106.	- -	Diocesan Schools (Ireland) -	Number of, and other Endowed Schools superintended by the Commissioners of Education - - - - -	XV. 69.	
107.	- -	Cotton Factories, amending Laws relating to Apprentices - }	Bill [as amended by the Committee] -	I. 353.	c. 39.
108.	- 19.	Parliamentary Representation -	Population, according to the Census 1831, of all such Towns, &c. as are proposed in the Reform Bill to send Members to Parliament - - - - -	XVI. 331.	
109.	- 21.	Molasses - - - - -	Report from Select Committee on the use of Molasses in Breweries and Dis- tilleries - - - - -	VII. 1.	
110.	- -	Parliamentary Representation -	Population of Parishes in which Boroughs, &c. now sending Members are situate, distinguishing Population and Limits of Parishes - - - - -	XVI. 253.	
111.	- -	Parliamentary Representation -	Population, according to last Census, of Boroughs and other Places not men- tioned in Schedules (A.) (B.) (F.) of the Reform in Parliament Bill - - -	XVI. 293.	
112.	- 22.	Parliamentary Representation -	Applications made to Government, that Towns, &c. should be continued in, or admitted to the Right of sending Mem- bers to Parliament - - - - -	XVI. 75.	
113.	- -	Lord Lieutenants (Ireland) -	Bill for the Appointment of, to the seve- ral Counties - - - - -	II. 439.	c. 17.
114.	- -	Public Works (Ireland) for the Promotion of - - - - - }	Bill [as amended by the Committee] -	III. 769.	c. 33.
115.	- 25.	Administration of Justice (Ire- land) - - - - - }	Bill for the Improvement of, in Ireland	I. 5.	c. 31.
116.	- 26.	Highways (England) Consolida- tion of Laws relating to - }	Bill [as amended by the Committee] -	II. 273.	
117.	- -	Privileges (W.L. Wellesley, M.P.)	Report from the Committee of, on his Arrest by the Lord Chancellor - - }	IV. 685.	
118.	- 27.	Lighthouses (Ireland) - - -	Receipts and Disbursements for, and Cor- respondence relative to the Erection of, between Dunmore and Cork Har- bour - - - - -	XVII. 507.	
119.	- -	Roads (Ireland) - - - - -	Report on the Roads in the Southern District of Ireland, by Richard Griffith	XII. 61.	
120.	- -	Corn (Foreign) - - - - -	Number of Quarters of, that have paid Duty for Consumption under 9 Geo. IV. c. 60, and Amount of Duty received, 15 July 1828 to 1 July 1831 - - }	XVII. 195.	
121.	- -	Parliamentary Representation	Assessed Taxes levied in Places contained in Schedule (F.) of the Reform of Par- liament (England) Bill - - - - - }	XVI. 155.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed
	1831.			1831.	
122.	July 27.	Marine Insurance (Ireland) -	Sums received by Commissioners for, in } 1830 - - - - - }	XVII. 345.	
123.	- -	Belgian Fortresses - -	Protocol of a Conference held at the } Foreign Office, April 17, 1831; and } Note addressed to the Plenipotentiary } of France, 14 July 1831 - - - }	XX. 1.	
124.	- -	Military Asylums - - -	Receipts and Disbursements of the Asy- } lums of Chelsea and Southampton, } 1828-1830 - - - - - }	XIII. 143.	
125.	- -	Corn - - - - -	Average Price of Corn per Quarter in } England and Wales in 1830 - - }	XVII. 89.	
126.	- -	Thames River Pilots - -	Sums received by the Trinity-House of } Deptford Strond, from the Thames } River Pilots - - - - - }	XVII. 495.	
127.	- 28.	Receivers General of Taxes -	Bill for transferring the Duties of, to } Inspectors of Taxes - - - }	III. 1.	c. 18.
128.	- 29.	Vestries - - - - -	Bill for the better Regulation of, in Eng- } land and Wales. - - - - }	III. 607.	c. 60.
129.	- 30.	Queen Anne's Bounty - -	Balance in the Hands of the Treasurer } of, at his decease - - - }	XV. 43.	
130.	- -	Limerick Clerk of the Peace -	Copy of the Appointment of the present } Clerk to his Office - - - }	XV. 363.	
131.	- -	Committals - - - - -	Number of Persons committed to the } several Bridewells under Summary } Process, in each County in England } and Wales, 1814-1829 - - - }	XV. 101.	
132.	- -	Jurors and Juries (Ireland) -	Bill for amending and consolidating the } Laws relating to - - - }	II. 385.	
133.	Aug. 2.	Hackney Coaches - - -	Bill to amend and consolidate the Laws } relating to, and licensing Hawkers, &c. }	II. 145.	c. 24.
134.	- 3.	Parliamentary Representation	Resident Electors in each of the Boroughs } in Schedule (B.) of the Reform of Par- } liament (England) Bill - - - }	XVI. 165.	
135.	- 4.	Wine - - - - -	Bill to equalize the Duties on - - -	III. 683.	c. 30.
136.	- -	Excise Informations (Ireland) -	Information filed in the Exchequer 1828- } 1830, for the Recovery of Penalties }	XVII. 235.	
137.	- -	Malt - - - - -	Quantity made and charged with Duty } in each Kingdom, in the Half-Years } ending 5 April 1830 and 5 April 1831 }	XVII. 337.	
138.	- -	Sheriffs Depute (Scotland) -	Receipts and Disbursements of, in the } Public Service, in the Year ending } Whitsuntide 1830 - - - }	XV. 303.	
139.	- -	Criminal Prosecutions (Scotland)	Expenses attending Prosecutions carried } on by the Lord Advocate in 1829 - }	XV. 169.	
140.	- 5.	Bank Notes - - - - -	Promissory Notes and Post Bills in Cir- } culation each week, from 10 April 1830 } to July 1831 - - - - - }	XIII. 435.	
141.	- -	Insolvent Debtors - - -	Prisoners discharged, Dividends paid, } and Debtors detained - - - }	XV. 89.	
142.	- -	Duchess of Kent - - -	Bill granting a Sum for the Support of, } and the Education of the Princess } Alexandrina Victoria - - - }	I. 461.	c. 20.
143.	- 9.	Union of Parishes (Ireland) -	Bill to amend Acts respecting, and to } make farther Provisions for Chapels of } Ease, and Perpetual Cures - - }	III. 595.	
144.	- -	Parliamentary Representation	Population, according to the last Census, } of the Isle of Wight - - - }	XVI. 359.	
145.	- 8.	Dublin Election - - -	Report from Select Committee on the } City of Dublin Election Petition - }	IV. 447.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. If the Bill passed.
	1831.			1831.	2 WILL. IV.
146.	Aug. 8.	Courts of Justice (Ireland) -	Twenty-first Report of Commissioners, Metropolitan and Consistorial -	X. 739.	
147.	- 5.	Mint and Coinage -	Gold and Silver Coinage of the Realm melted, from 31st December 1829; and for whose account received and delivered out -	XIII. 445.	
148.	- 9.	Candles -	Bill to repeal the Duties of Excise and Drawbacks on -	I. 153.	c. 19.
149.	- -	Parliamentary Representation -	Number of Freeholders who have voted since 1811 for Knights of the Shire, in England and Wales -	XVI. 177.	
150.	- -	Parliamentary Representation -	Number of Resident Freeholders in Cities and Towns, being Counties, in Eng- land and Wales -	XVI. 189.	
151.	- -	French Claims -	Dividends received upon Rentes placed upon deposit with the British and French Commissioners -	XVII. 651.	
152.	- -	Warehoused Goods -	Official Value of Goods warehoused in London, 1825-1830; Quantity in Warehouse on 5th January 1831 -	XVII. 459.	
153.	- -	Imports and Exports -	General Statement of, for the United Kingdom, 1829; and Imported Ar- ticles retained for Home Consump- tion -	XVII. 257.	
154.	- -	Exchequer Bills -	Commissioners for England, Names, Sa- laries, Amounts, Issue, &c. -	XIII. 441.	
155.	- -	Wheat (Foreign) -	Quantity entered weekly for Home Con- sumption 1831, with the Rate and Amount of Duty, Quantity imported, since 1828 -	XVII. 197.	
156.	- 10.	Game Laws -	Bill [as amended in Committee] -	II. 29.	c. 32.
157.	- -	Charter Schools (Ireland) -	Number of Children therein, 1826 to 1830, each year separate -	XV. 67.	
158.	{ 10. & 18. }	Masters in Chancery -	Names of, retired and appointed since January 1815, with their Ages -	XV. 83.	
159.	- -	Members of Parliament -	Bill to exclude certain Judicial Officers in Ireland from becoming M.P.'s -	II. 529.	
160.	- 10.	Titles to Lands under Inclosure Acts -	Bill [as amended in Committee] -	II. 359.	
161.	- -	Wages -	Bill repealing Acts prohibiting Payment of Wages in Goods -	III. 641.	c. 36.
162.	- -	Wages -	Bill prohibiting Payment of Wages, in certain Trades, in Goods -	III. 647.	c. 37.
163.	- -	Exchequer Court (Scotland) -	Bill to make Provision for the Dispatch of Business in -	I. 633.	
164.	- 11.	Steam Boats -	Bill to regulate the Navigation of, on the River Thames -	III. 421.	
165.	- 12.	Coals -	Prices of Coal in the London Coal Market on several Market Days, 1831 -	XVII. 83.	
166.	- -	Turnpike Roads (Scotland) -	Bill [as amended in Committee] -	III. 545.	c. 43.
167.	- 15.	Taxes -	Number of Inspectors of; stating the Names, Appointment, District, and Salary of each -	XVII. 65.	
168.	- -	Silk Gauze Ribands -	Quantity Imported for Home Consump- tion, July 1826-1831 -	XVII. 361.	
169.	- -	Caledonian Canal -	Twenty-seventh Report of Commis- sioners -	XII. 43.	
170.	- 16.	Frigates and Brigs -	Account of all 28-gun Ships and 10-gun Brigs at present in the British Navy -	XVII. 667.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. If the Bill passed.
171.	1831. Aug. 16.	Coals; for regulating their Vend and Delivery in London, &c. }	Bill [as amended in Committee] - - -	1831. I. 249.	3 WILL. IV.
172.	- -	Church Building Act - - -	Bill to amend the Acts for building and promoting the building of Churches in populous Places - - - }	I. 179.	c. 38.
173.	- -	Turnpike Roads Amendment, (England,) Exemption from Toll }	Bill [as amended in Committee] - - -	III. 491.	c. 25.
174.	- 17.	Sewers - - - - -	Bill to amend the Laws relating thereto -	III. 401.	
175.	- -	Shannon Navigation - - -	Tolls and Expenditure, and Agreement between Inland Navigation Directors and Grand Canal Company - - }	XVII. 519.	
176.	- -	Justices of the Peace (Ireland)	Applications to file Criminal Informations against, 1820-1830 - - - }	XV. 391.	
177.	- 18.	Estimates - - - - -	Miscellaneous Services (Ireland) - - -	XIII. 311.	
178.	- -	Parliamentary Representation -	Population of 56 English Boroughs standing lowest in the Census of 1831, of 41 immediately above them; Same for 1821 - - - - - }	XVI. 287.	
179.	- -	Woods, Forests and Land Re- venues.	Eighth Report of Commissioners, being Second Annual Report, as ordered 10 Geo. IV. c. 50 - - - - }	Demy Fol. Vol.	
180.	- 19.	Ordnance Services - - -	Balance remaining unpaid 1 Jan. 1831, upon each of the Grants of Parlia- ment, and Balance in the hands of the Treasurer 1 Jan. 1831 - - - }	XIII. 139.	
181.	- -	Public Works - - - - -	Bill to amend Acts for advancing Money for, and to authorize a further issue of Exchequer Bills for that purpose - }	III. 687.	c. 24.
182.	- -	Hackney Coaches - - -	Bill [as amended in Committee] - - -	II. 185.	c. 22.
183.	- 22.	Freeholders (Ireland) - - -	Number of, in the different Counties, re- gistered 1st May 1831, distinguishing £. 50. £. 20. £. 10. Freeholders - }	XVI. 197.	
184.	- -	Public Works (Ireland) - - -	Sums advanced on the recommendation of the Irish Loan Commissioners; and Repayments on each separate Loan - }	XVII. 565.	
185.	- -	Galway Freeman - - - - -	Catholic Freeman of Galway admitted or elected since 1st April 1831 - - - }	XVI. 365.	
186.	- -	Spirits - - - - -	British, Colonial, and Foreign, which have paid or have not paid Duty for Home Consumption, in the United Kingdom, 1821-1830 - - - - - }	XVII. 389.	
187.	- -	Malt Duties (Scotland) - - -	Gross and Net Amounts of, 1819-1830; distinguishing the Amount of Draw- back - - - - - }	XVII. 339.	
188.	- -	Menai and Conway Bridges -	Sums paid into the Exchequer by the Post-office and Holyhead Road Com- missioners, 1830 - - - - - }	XVII. 493.	
189.	- -	Exports and Imports - - -	Official and Real Value of British Exports to France since 1814; distinguishing British from Colonial Produce; also Imports from France - - - - }	XVII. 297.	
190.	- -	Superannuation Allowances -	Minute of the Board of Treasury con- cerning, of official Persons in the se- veral Departments - - - - }	XIII. 429.	
191.	- 23.	Inheritance - - - - -	Bill for the amendment of the Law re- lating to - - - - - }	II. 373.	
192.	- -	Dower - - - - -	Bill for the amendment of the Law re- lating to - - - - - }	I. 457.	
193.	- -	Curtesy - - - - -	Bill for the amendment of the Law relating to - - - - - }	I. 361.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	2 WILL. IV.
194.	Aug. 23.	Limitation of Actions - -	Bill for the Limitation of Actions and Suits relating to Real Property - }	II. 425.	
195.	- -	First Fruits (Ireland) - -	Opinion of the Law Officers on the subject of the Re-valuation of Benefices to the First Fruits Fund - - }	XV. 7.	
196.	- -	Interpleader - - -	Bill enabling Courts of Law to give Relief in certain cases - - - }	II. 379.	c. 38.
197.	- -	Arbitration - - - -	Bill, intituled, An Act for settling Controversies by Arbitration - - - }	I. 15.	
198.	- -	Common Law Courts, Westminster - - - - }	Bill to diminish Expense and prevent Delay of Suits in - - - - }	I. 317.	
199.	- 24.	Poor Laws Regulation, Fawley (Hants) - - - - }	Resolutions passed at a Meeting of Magistrates at the Petty Sessions at Winchester 1822 - - - - }	XVII. 677.	
200.	- -	Freemen (Ireland) - - -	Number of Freemen created in each Corporate Town 1st April, 20th July 1831, distinguishing those by right of Freedom - - - - }	XVI. 207.	
201.	- 25.	Admiralty Court (Ireland) -	Causes adjudicated; Causes remaining; Days on which Court sat since 1st August 1831 - - - - }	XV. 359.	
202.	- -	Poor Laws - - - -	Bill, intituled, An Act to amend the Laws for the Relief and Employment of the Poor - - - - }	II. 579.	
203.	- -	Augmentation of Livings -	Bill to extend the Provisions of an Act for confirming Augmentations made to small Livings and Curacies - - }	I. 35.	c. 45.
204.	- -	Lunatics, Care and Treatment of, in England - - - }	Bill, [with the Amendments made by the Lords] - - - - }	II. 489.	
205.	- -	Galway Franchise - - -	Bill to repeal Act regulating, as far as relates to limiting the Franchise to Protestants only - - - - }	II. 1.	c. 49.
206.	- -	Quarantine - - - -	Mode in which the Fee of £.5. 14. 6. is appropriated; to whom paid, and for what purposes - - - - }	XVII. 355.	
207.	- -	Parliamentary Representation	Houses in Towns in Schedule F. (Wales) assessed to the Inhabited House Duty, also Population; Total Assessed Taxes for the County of Monmouth - - }	XVI. 157.	
208.	- 26.	Parliamentary Representation	Population, in 1821, of each Place which is to send Members to Parliament, stating the Number of Members and Amount of Assessed Taxes - - }	XVI. 237.	
209.	- -	Parliamentary Representation	Population, 1821, of each Place in England and Wales now sending Members to Parliament, Number of Members and Amount of Assessed Taxes - - }	XVI. 245.	
210.	- -	Embankments (Ireland) - -	Bill [as amended in Committee] - - -	I. 569.	c. 57.
211.	- 29.	Roads (Ireland) - - -	Sums of Money expended for the last Seven years on the several Roads in every County in Ireland - - - }	XVII. 543.	
212.	- -	Lagan Navigation - - -	Receipt and Expenditure of the Company, during the last Seven years - }	XVII. 501.	
213.	- -	Dublin Freeholders - - -	Number of Registered 40 s. Freeholders, Dates, and Description of Freehold - }	XVI. 217.	
214.	- -	Judicial Inquiry (Ireland) -	Letter from the Chief Secretary to the several Courts of Justice, as to the Suggestions of the Commissioners - }	XV. 389.	

(continued.)

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	2 WILL. IV.
215.	Aug. 29.	Charities - - - -	Informations filed at the instance of Com- missioners of Charities - - - -	XV. 45.	
216.	- 30.	Coronation - - - -	Estimate of the Sum required to defray the Expense of Their Majesties' Coro- nation - - - -	XIII. 305.	
217.	- -	Public Accounts (Ireland) -	Bill to amend an Act respecting the Audit of Accounts in Ireland, and to appoint Commissioners, &c. - -	I. 1.	c. 26.
218.	- -	Grand Jury Presentments -	Bill to enable the Treasurer of the County of Clare to issue Warrants for levying - - - -	II. 51.	c. 27.
219.	Sept. 1.	Registry of Deeds, &c. - -	Bill for the Regulation of, in Ireland -	III. 349.	
220.	- -	Coronation - - - -	Report from Select Committee on Ac- commodation for The House of Com- mons in Westminster Abbey - -	IV. 653.	
221.	- -	Newtown Barry (Ireland) -	Indictments against Captain Graham for Murder and Manslaughter; Deposi- tions against Captain Graham - -	XV. 435.	
222.	- 2.	Blanchfield & Byrne - -	Record of Conviction and Judgment at the Lent Assizes, County Kilkenny -	XV. 393.	
223.	- -	Spirits - - - -	Money paid to Distillers as Drawback on Malt used, or Spirits made from Malt; Spirits exported; Duty for Home Con- sumption, or remaining in Bond July 1831 - - - -	XVII. 385.	
224.	- -	Malt - - - -	Number of Bushels of Malt charged with Duty in the United Kingdom, 1830-31, distinguishing England and Scotland - - - -	XVII. 341.	
225.	- -	Sugar and Treacle - - -	Quantity entered; Quantity of Refined Sugar, Bastards and Treacle exported from Liverpool, Bristol, and Glasgow	XVII. 433.	
226.	- -	Quarantine - - - -	Number of Vessels placed under Qua- rantine for the last Five years; Fees on clearance - - - -	XVII. 347.	
227.	- -	Poor Laws - - - -	Report and Evidence [from the Lords] -	VIII. 321.	
228.	- 6.	Common Law Courts, West- minster - - - -	Bill [as amended by the Committee] -	I. 309.	c. 35.
229.	- -	Charities Commissioners -	Bill appointing Commissioners to con- tinue Inquiries concerning Charities in England and Wales - - - -	I. 169.	c. 34.
230.	- -	Law Prosecutions (Ireland) -	Estimate for Amount due for Criminal Prosecutions in Ireland on 1st January 1831 - - - -	XIII. 353.	
231.	- -	Charities - - - -	24th Report of Commissioners for in- quiring concerning Charities - -	XI. 1.	
232.	- 7.	Reform of Parliament, England and Wales - - - -	Bill [as amended by the Committee] -	III. 85.	
233.	- -	Parliamentary Representation	Population, 1821 and 1831, of Towns in England exceeding 10,000, which are not intended by the Reform Bill to return Members - - - -	XVI. 357.	
234.	- 12.	Galway Franchise - - -	Bill [as amended in Committee] - -	II. 5.	c. 49.
235.	- 13.	Miscellaneous Estimates (Ire- land) - - - -	Minute of the Board of Treasury on the subject of the Irish Miscellaneous Es- timates - - - -	XIII. 341.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	2 WILL. IV.
236.	Sept 13.	Vestries - - - -	Bill [as amended in Committee] - -	III. 627.	c. 60.
237.	- -	Poor (Ireland) - - -	Bill to make provision for the Relief of	II. 583.	
238.	- -	Valuation of Lands (Ireland) -	Bill to amend an Act for making provi- sion for, &c. - - - -	III. 599.	c. 51.
239.	- -	Writs of Execution - -	Warrants issued by the Sheriff from the superior Courts of Westminster, dis- tinguishing those made in Southwark from the rest of the County - -	XV. 97.	
240.	- -	Court of Requests, Southwark	Number of Committals, Expense of main- taining, and Amount of Debts under £. 5. - - - -	XV. 93.	
241.	- -	Newtown Barry - - -	Report of Major Bushe, to the Lord Lieutenant, on alleged Outrages com- mitted by the Yeomanry after the Affray - - - -	XV. 487.	
242.	- 11.	Sub-letting Act (Ireland) -	Bill to repeal an Act to amend the Law of Ireland respecting Assignment and Sub-letting Lands - - -	III. 429.	
243.	- 14.	Spirits - - - -	Quantity of Wash distilled in Great Bri- tain and Ireland, 10 Oct. 1826-1827; 5 Oct. 1827, 5 April 1828; and Num- ber of Proof Gallons made from Malt	XVII. 393.	
244.	- 15.	Reform of Parliament (England and Wales) - - -	Bill [as amended on the Report] - -	III. 133.	
245.	- -	Ile of Wight - - -	Copy of Letters Patent of the Governor of, under which he holds his Office -	XVII. 669.	
246.	- 16.	Titles to Lands under Inclosure Acts - - - -	Bill [as amended on Re-commitment] -	II. 365.	
247.	- -	Hospitals (Ireland) - -	Bill to amend an Act for enabling His Majesty to establish Public Hospitals	II. 347.	c. 48.
248.	- 19.	Bribery and Treating (Liverpool)	Bill to prevent Bribery and Treating at the Election of Burgesses to serve in Parliament for Liverpool - -	I. 131.	
249.	- 20.	Register for Deeds - -	Bill for establishing a General Register for all Deeds affecting Real Property in England and Wales - -	III. 297.	
250.	- 21.	Spring Guns and Man Traps -	Bill to permit the Setting of, in certain cases - - - -	III. 417.	
251.	- -	Wine - - - -	Wines on which Duties greater than those imposed by law have been re- ceived, from 20th July last; and their Amount - - - -	XVII. 483.	
252.	- -	Shipping - - - -	British and Foreign Vessels which en- tered Inwards and cleared Outwards at the Ports of the United Kingdom, from and to all places - -	XVII. 357.	
253.	- -	Imports and Exports - -	Official and declared Value of, to and from the United Kingdom, 1830 -	XVII. 299.	
254.	- -	Wine - - - -	Drawback on Cape, French and Foreign Wine, in 1830, distinguishing Casks and Bottles, and to where sent -	XVII. 479.	
255.	- -	Silks - - - -	Quantity Imported and Exported, Draw- back allowed, Manufactured and Im- ported without Duty, 1830; Raw and Waste Silk, 1814-1828 and 1830 -	XVII. 363.	
256.	- 22.	Common Law Courts, West- minster - - - -	Bill [as amended on Re-commitment] -	I. 313.	c. 35.

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	a WILL. IV.
257.	Sept. 22.	National Bank (Scotland) -	Charter granted to; Copy of Petition for, and Opinion of Law Officers of the Crown thereon; Contract of Co- partnership - - - - -	XIII. 447.	
258.	- 23.	Parliamentary Representation (Scotland) - - - - -	Population of the Counties of Scotland, as enumerated May 1831 - - - - -	XVI. 361.	
259.	- -	Van Diemen's Land - - -	Correspondence concerning Operations against the Aboriginal Inhabitants - - -	XIX. 175.	
260.	- -	Colonies and Foreign Possessions	Population, Trade and Government of each Foreign Possession or Colony in possession of the Crown; also, Im- ports and Exports, 1829 - - - - -	XIX. 171.	
261.	- -	New South Wales, &c. - - -	Instructions for promoting the Moral and Religious Instruction of Aboriginal Inhabitants - - - - -	XIX. 151.	
262.	- -	Pembroke County Election -	Report and Minutes of Evidence on -	IV. 535.	
263.	- -	Contempts in Ecclesiastical Courts - - - - -	Bill for enforcing the Process upon Con- tempts in Courts Ecclesiastical, of England and Ireland - - - - -	I. 483.	
264.	- -	Lord Lieutenants (Ireland) -	Names of those appointed under the Act, specifying whether resident - - -	XV. 365.	
265.	- 26.	White Boy Offences - - -	Bill to amend an Act of Geo. III. to pre- vent Tumultuous Rising in Ireland - -	III. 675.	c. 44.
266.	- -	Arms (Ireland) - - - - -	Bill to revive former Acts, preventing improper Persons from having Arms in Ireland - - - - -	I. 23.	c. 47.
267.	- -	Maynooth College - - -	Last Report of Visitors - - -	XV. 71.	
268.	- -	Church Building Act - - -	Bill [as amended by the Committee] -	I. 195.	c. 38.
269.	- -	Reform of Parliament (Scotland)	Bill [as amended by the Committee] -	III. 239.	
270.	- -	Augmentations of Livings, to extend Provisions for con- firming - - - - -	Bill [as amended by the Committee] -	I. 49.	c. 45.
271.	- -	Windsor Castle and Bucking- ham Palace - - - - -	Estimate of Sum required to defray Ex- penses of 1831, for Windsor Castle, and to defray incurred Charges for Buckingham Palace - - - - -	XIII. 309.	
272.	- 27.	Windsor Castle and Bucking- ham Palace - - - - -	First Report from the Select Committee on the Expenses of - - - - -	IV. 1.	
273.	- -	Expenses of Committees -	Amount paid by the Treasury for Select Committees of the House of Commons, 1800-1830 - - - - -	XVII. 623.	
274.	- -	Disfranchisement Bill - - -	Expenses paid by the Lords of the Trea- sury relative to various Disfranchise- ment Bills - - - - -	XVI. 363.	
275.	- -	Edward Windhurst - - -	Copy of Warrant of Conviction and Com- mitment of - - - - -	XV. 99.	
276.	- -	Secondary Punishments -	Report from Select Committee, and Mi- nutes of Evidence - - - - -	VII. 519.	
277.	- -	Customs Fees - - - - -	Bill to amend an Act for the Manage- ment of the Customs, as regards cer- tain Fees - - - - -	I. 365.	c. 40.
278.	- 28.	Bankruptcy - - - - -	Bill to establish a Court in Bankruptcy	I. 71.	c. 56.
279.	- -	Civil Government Charges -	Sum required for Salaries, &c. hitherto paid out of the Civil Lists, to the 10th October 1831 - - - - -	XIII. 371.	
280.	- -	Holyhead Roads - - - - -	Eighth Report of Commissioners - - -	XII. 29.	

Sess. N ^o .	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	a WILL. IV.
281.	Sept. 28.	Victualling Yard, Gosport -	Additional Sum required to complete the Works at the Royal Clarence Victualling Yard - - - - }	XIII. 203.	
282.	- -	Victualling Yard, Gosport -	Correspondence respecting Works now in progress in the Royal Clarence Victualling Yard - - - - }	XIII. 205.	
283.	- 27.	Cork Trade - - - -	Imports and Exports to and from Cork, 1825-1831; and Tonnage of Ships, 1816-1830 - - - - }	XVII. 303.	
284.	- 28.	Pensions (Civil List) - -	Pensions on the Civil List, and on the Four and Half per Cent Duties - }	XIII. 377.	
285.	- -	Sale of Beer and Cyder - -	Bill to amend an Act to permit the general Sale of Beer and Cyder by Retail in England - - - - }	I. 117.	
286.	- 29.	Education (Ireland) - -	Bill for establishing and maintaining Parochial Schools - - - - }	I. 491.	
287.	- -	Master of the Rolls (Ireland) -	Letters from the, to Sir R. Peel, Right Hon. Sturges Bourne, and Marquis of Lansdowne - - - - }	XV. 367.	
288.	- -	Chancery and Exchequer - -	Bill for the better execution of Decrees of the Courts of Chancery and Exchequer in England and Ireland - - }	I. 165.	
289.	- -	Public Accounts - - - -	Second Report on the Public Accounts of France, by John Bowring - - }	XIV. 501.	
290.	- -	Sugar Refinery Acts - - -	Bill to continue and amend the Provisions of Acts allowing Sugar from Warehouses to be Refined - - }	III. 437.	
291.	- 30.	Customs Fees Management -	Bill [as amended by the Committee] - -	I. 369.	
292.	- -	Special Constables - - -	Bill for amending the Laws relative to the Appointment of - - - - }	I. 331.	c. 41.
293.	Oct. 3.	Pluralities of Dignities - -	Bill to restrain and regulate the holding of, by Spiritual Persons - - - }	II. 549.	
294.	- 4.	Fines and Recoveries - - -	Bill for the Abolition of, and for substitution of other modes in lieu of them - }	I. 637.	
295.	- -	Malt Drawback on Spirits -	Report from Select Committee on - -	VII. 341.	
296.	- -	Registry of Deeds (Ireland) -	Bill [as amended by the Committee] - -	III. 367.	
297.	- -	Molasses - - - - -	Report from Select Committee on the Use of, in Breweries and Distilleries - }	VII. 1.	
298.	- -	Holyhead Roads - - - -	Copy of Report of Commissioners, relative to the Origin of their Commission }	XII. 17.	
299.	- 5.	Hop Duties - - - - -	Bill to regulate the Payment of the Duties on Hops - - - - }	II. 343.	c. 53.
300.	- -	Master of the Rolls (Ireland) -	Bill to enable him to try his claim of appointing a Secretary for the Court - }	III. 387.	
301.	- -	Valuation of Lands (Ireland) -	Bill [as amended by the Committee] - -	III. 603.	c. 51.
302.	- 6.	Military Accounts (Ireland) -	Bill to repeal 52 Geo. III. for auditing Military Accounts, Ireland - - }	II. 531.	c. 52.
303.	- -	Bankruptcy Fees - - - -	Fees, &c. received by the Clerk of the Hanaper - - - - }	XV 81.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	s WILL. IV.
304.	Oct. 6.	Slave - - - - -	State. Treatment, &c. of Africans cap- tured, and apprenticed Africans - }	XIX. 261.	
305.	- -	Slaves - - - - -	Orders and Reports respecting the Eman- cipation of Crown Slaves - - - }	XIX. 303.	
306.	- -	Navy - - - - -	Returns of Promotions, Courts Martial, and Deaths, in the Navy - - - }	XIII. 195.	
307.	- -	Marines - - - - -	Returns relating to Promotions in -	XIII. 217.	
308.	- -	House of Commons Buildings -	Report from Select Committee on -	IV. 655.	
309.	- -	Bankruptcy Court - - -	Bill [as amended by the Committee] -	I. 85.	c. 56.
310.	- 7.	Universities (Scotland) - -	Report from a Royal Commission con- cerning the State of - - - }	XII. 111.	
311.	- -	Priddy's Hard - - - -	Letter from the Ordnance, for authority to repair the Floors of, Gosport - }	XIII. 215.	
312.	- -	Lagan Navigation Company -	Treasury Minute on the subject of Com- pensation to - - - - - }	XVII. 497.	
313.	- 10.	Exchequer - - - - -	First Report of Commissioners of Public Accounts - - - - - }	X. 1.	
314.	- -	Bankruptcy Fees and Court of Bankruptcy - - - - - }	Fees received by various Officers, 1828- 1830; Establishment of the new Bank- ruptcy Court - - - - - }	XV. 73.	
315.	- 11.	Distillation (Ireland) - -	Bill [as amended by the Committee] -	I. 423.	c. 55.
316.	- 10.	Gaols and Houses of Correction	Expenses of building, &c. in England and Wales, since 1800 - - - }	XV. 491.	
317.	- -	De Lunaticò Inquirendo -	Bill to diminish the Expense of Commis- sions on Writs, and provide for better Treatment of Idiots, &c. - - - }	II. 449.	
318.	- -	Baking (Ireland) - - - -	Bill to regulate the Baking Trade in Ireland - - - - - }	I. 63.	
319.	- -	Poor - - - - -	Bill to amend 59 Geo. III. c. 12, for the Relief and Employment of - - - }	II. 575.	c. 42
320 A.	- 11.	East India Company - - -	Report and Evidence from Select Com- mittee on the Affairs of the East India Company; with Appendix I. Accounts, &c. - - - }	V. 1.	
320 B.	- -	East India Company - - -	Appendix II. China Paper - - - -	VI. 1.	
320 C.	- -	East India Company - - -	Appendix III. External and Internal Commerce - - - - - }	VI. 169.	
320 D.	- -	East India Company - - -	Appendix IV. Salt and Opium Mono- polies - - - - - }	VI. 345.	
320 E.	- -	East India Company - - -	Appendix V. Legislative Councils; New System of Courts of Justice, and Code of Laws - - - - - }	VI. 465.	
321.	- 7.	Sasines (S land) - - - -	Emoluments of Officers connected with the Clerk of the Peace, &c. - - - }	XV. 179.	
322.	- -	Master of the Rolls (Ireland) -	Letters from the Master of the Rolls to Lord Melbourne - - - - - }	XV. 381.	
323.	- -	Grand Jury Presentments (Ire- land) - - - - - }	Bill to make more effectual Provisions relating to such Presentments - - }	II. 55.	
324.	- 12.	Steam Carriages - - - - -	Report from Select Committee on -	VIII. 203.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	a WILL. IV.
325.	July 27.	Tithes and Peerages - -	Account of Agent for the Officers of, State as to Teinds; Expenses incurred in the Court of Session as to Peerage Causes - - - - -	XV. 307.	
326.	Oct. 13.	Army - - - - -	Returns relating to Promotions, Half Pay and Commissions (1) - - -	XIII. 59.	
327.	- -	Army - - - - -	Returns relating to Pay and Half Pay, and Commissions purchased or can- celled; Saving to the Public (2) -	XIII. 71.	
328.	- -	New South Wales and Van Diemen's Land - - -	Instructions to Governors, &c. for dis- posing of Crown Lands - - -	XIX. 113.	
329.	- 14.	Buckingham Palace - -	Second Report of Select Committee on Windsor Castle and Buckingham Pa- lace - - - - -	IV. 1.	
330.	- -	Highland Churches - -	6th Report of Commissioners - -	IX. 19.	
331.	- -	Spirits - - - - -	Foreign Spirits in Bond in the United Kingdom, 1826-1830 - - -	XVII. 375.	
332.	- -	Excise and Customs - -	Persons appointed to Situations during the last Twelve Months - - -	XVII. 207.	
333.	- -	Spirits - - - - -	Guernsey and Jersey, Spirits imported, and Duty paid, since 1830 - -	XVII. 391.	
334.	- -	Pensions - - - - -	Civil List Pensions resigned, and Va- cancies by death - - - - -	XIII. 425.	
335.	- -	Steam Navigation - -	Report from Select Committee on - -	VIII. 1.	
336.	- -	Churches - - - - -	11th Report of Commissioners - -	IX. 1.	
337.	- -	Civil Government Charges -	Report from Select Committee on - -	IV. 333.	
338.	- -	Prescription - - - -	Bill for shortening the Time of Prescrip- tion in certain cases - - -	II. 597.	
339.	- -	Tithes Composition - -	Bill for facilitating Composition of Tithes -	III. 445	
340.	- -	Sugar - - - - -	Unrefined, retained for Home Consump- tion; distinguishing each description	XVII. 447.	
341.	- 17.	Bankrupts - - - - -	Bill to amend 6 Geo. IV. for amending Laws relating to Bankrupts - -	I. 113.	
342.	- -	Newtown Barry - - -	Depositions taken at Newtown Barry before Coroner's Inquest - - -	XV. 399.	
343.	- 18.	Poor - - - - -	Bill for bettering the Condition of the Agricultural Poor - - - - -	II. 557.	
344.	- -	Master of the Rolls (Ireland) -	Correspondence in relation to the Office of Secretary of the Rolls Court -	XV. 387.	
345.	- 19.	Pensions, Civil List - -	Pensions on the Civil List, on 22 Novem- ber 1830, in England, Scotland and Ireland - - - - -	XIII. 397.	
346.	- -	Paper Duties - - - -	Persons confined for Penalties; Prosecu- tions; and Drawback - - - -	XV. 539.	
347.	- -	Arms (Ireland) - - -	Description of Arms registered, 1828- 1831 - - - - -	XVII. 531.	
348.	- -	Population - - - - -	Comparative Account of the Population of Great Britain, 1801, 1811, 1821, 1831 - - - - -	XVIII. 1.	

Sess. N ^o	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1831.			1831.	a WILL IV.
0.28.	Aug.	Wine Duties Bill - - -	RESOLUTIONS to be proposed by Mr. Robinson, on the Second Reading - }	XVII. 489.	
0.29.	-	Reform of Parliament - - -	BILL [in Committee] to amend the Representation of the People in England and Wales - - - }	III. 47.	
0.31.	-	Reform of Parliament - - -	CLAUSE 18, as proposed to be amended - - -	III. 183.	
0.32.	-	Reform of Parliament - - -	CLAUSE 22, as proposed to be amended - - -	III. 185.	
0.35.	-	Reform of Parliament - - -	CLAUSES 23, 24, 25 & 26, as proposed to be amended - - - }	III. 189.	
0.37.	-	Reform of Parliament - - -	CLAUSES 27, 29 & 30, as proposed to be amended - - - }	III. 193.	
0.38.	-	Reform of Parliament - - -	SCHEDULE (I.) as proposed to be amended - - -	III. 205.	
0.39.	Sept.	Reform of Parliament - - -	CLAUSES 35, 36 & 37, as proposed to be amended - - - }	III. 197.	
0.40.	-	Reform of Parliament - - -	SCHEDULE (K.) as proposed to be amended - - -	III. 209.	
0.41.	-	Reform of Parliament - - -	CLAUSE (A.) as proposed to be inserted after Clause 36 - - - }	III. 201.	
0.42.	-	Reform of Parliament - - -	CLAUSE (B.) as proposed to be inserted after Clause 40 - - - }	III. 203.	
0.44.	-	Reform of Parliament - - -	RIDER, proposed to be added on Third Reading, after Clause 59 - - }	III. 215.	
0.46.	-	Reform of Parliament - - -	RIDER proposed to be added on Third Reading, after Clause 57 - - }	III. 213.	
-	-	STATE PAPERS - - -	PAPERS relating to Portugal - A. CORRESPONDENCE relative to the British Demands upon the Government of Portugal - - }	XX. 5.	
-	-	- - -	B. CORRESPONDENCE relating to the French Demands upon the Government of Portugal - - }	XX. 135.	
-	-	- - -	PROTOCOL of a Conference held at the Foreign Office 17th April 1831, between the Plenipotentiaries of Austria, Great Britain, Prussia and Russia, and Note addressed by them to the Plenipotentiary of France (<i>see</i> No. 123.) - }	XX. 1.	
-	-	Slaves - - -	CLASS (A. & B.) CORRESPONDENCE with British Commissioners at Sierra Leone, &c. relating to the Slave Trade - }	XIX. 321.	
-	-	Zemindar of Nozeed - - -	BILL [as amended by the Committee] for providing for the discharge of a Claim in respect of Monies advanced by the late J. Hodges, Esq. on the security of the Lands of the late Zemindar }	III. 831.	
-	-	Zemindar of Nozeed - - -	MINUTES of Evidence taken before the Committee on the Bill for providing for the Claims of J. Hodges, Esq. - }	IV. 717.	

GENERAL ALPHABETICAL

INDEX

TO THE

PRINTED BILLS, REPORTS, ESTIMATES,
ACCOUNTS AND PAPERS,

OF

SESSION

14 June - - to - - 20 October,
1831.

TWENTY VOLUMES:—VIZ.

	VOLUMES.
1.—BILLS, PUBLIC - - - (3 volumes) - - - - -	I.—III.
2.—REPORTS FROM COMMITTEES - - - (5 volumes) - - -	IV.—VIII.
3.—REPORTS FROM COMMISSIONERS - - - (4 volumes) - - -	IX.—XII.
4.—ESTIMATES AND ACCOUNTS - - - - -	XIII.
5.—ACCOUNTS AND PAPERS - - - (5 volumes) - - -	XIV.—XVIII.
6.—COLONIES. SLAVES - - - - -	XIX.
7.—STATE PAPERS - - - - -	XX.

N.B.—The Figures between parentheses (217.) (313.) refer to the Number printed at the bottom of each separate Bill, Report, Paper, &c.—The Numerals I. to XX. refer to the Volumes; and the Figures at the end of the lines refer to the MS. Paging in the Volumes, as arranged for The House of Commons.—The References marked thus, (in 89.) and (in appx. to 337) point out Accounts and Papers containing information on the subject referred to, although the entire Account may relate to several subjects, and that sought for not specifically indicated by its Title.

A.

vOL. page.

ACCOUNTS:

Bill to amend an Act of the 52d year of the reign of Geo. 3, respecting the Audit of the Public Accounts of Ireland, and to appoint the number of Commissioners competent to grant quietus to public accountants, under an Act passed 56 Geo. 3, for consolidating the public revenues of Great Britain and Ireland; (217.)	I. 1
First Report from Commissioners on Public Accounts, (Exchequer); (313.)	X. 1
Nineteenth Report from the Commissioners for auditing Public Accounts in Ireland; (12).	X. 185
Papers from the Committee on Public Accounts, Session 1830-31; (40.)	XIV. 1
Papers relating to public accounts, being a Report of Messrs. Brooksbank and Beltz on the progress made in the public departments for carrying into effect the directions for a general system of book-keeping, contained in a Minute of the Board of Treasury, July 1829; (50.)	XIV. 289
Report on the Public Accounts of France, to the Lords of the Treasury, by John Bowring; (78.)	XIV. 339
Second Report; (289.)	XIV. 501

see also *Military Accounts.*

Actions, Limitation of. see *Real Property.*

Administration of Justice. see *Canada. Justice, Administration of.*

Admirals. see *Navy, 3.*

A

Admiralty Court, Ireland :

Names and descriptions of causes which have been tried and adjudicated in the Court of Admiralty of Ireland, since 1st of August; number of causes which remain entered for trial; number of days in which the Court sat; (201.)
XV. 359

Adverse Claims. see *Interpleader.*

Africans, Captured. see *Slaves, 1.*

Ale. see *Beer.*

Alien Office, Salaries and expenses. see *Miscellaneous Services, II.*

Allowances, Superannuated. see *Ordnance.*

Ambassadors :

Statement in detail of the appropriation of the estimated sum required to provide for the annual salaries and allowances for house rent to His Majesty's diplomatic servants abroad; (in appx. to 337.) - - - - - IV. 378

List of all pensions granted to foreign ministers since 22 November 1830; also a statement of the changes which have taken place in the Pension List (in appx. to 337.) - - - - - IV. 380

American Loyalists. see *Miscellaneous Services, III.*

Appointments. see *Offices.*

Apprentices. see *Cotton Factories.*

Appropriation of Fees. see *Courts of Law, 2.*

Arbitration :

Bill, intituled, An Act for settling controversies by arbitration; (197.) I. 15

Arms, Ireland :

Bill to revive for a limited time three Acts made in 47th and 50th Geo. 3, and 10th Geo. 4, for preventing improper persons from having arms in Ireland, and to indemnify such persons as may have acted in execution of, and pursuant to, the provisions of the said Acts, since the expiration thereof; (266.) - - - - - I. 33

Number and description of arms registered at the several quarter-sessions in each and every county in Ireland, from 1st January 1828 to 1st June 1831; (347.) - - - - - XVII. 531

Army :**1. Estimates :**

Estimates of Army Services for 1831 :—Land Forces;—Staff Officers, exclusive of India;—Public Departments;—Medicines;—Garrisons at Home and Abroad;—Royal Military College;—Royal Military Asylum;—Volunteer Corps;—Regiments in the East Indies;—Army-pay of General Officers;—Full-pay for Retired Officers;—Half-pay and Military Allowances;—Foreign Half-pay;—Reduced and Retired Militia Officers;—Widows' Pensions;—Compassionate List;—In-pensioners of Chelsea and Kilmainham, and Out-pensioners of Chelsea, Hospital;—Superannuation Allowances;—Exchequer Fees;—Distribution of the Forces;—Abstract of Charge; (24.) - - - - - XIII. 1

2. Extraordinary Expenses :

Account of the extraordinary expenses of the army from 25th December 1829 to 31st December 1830, both inclusive; and Estimate of the sum required for 1831; (34.) - - - - - XIII. 49

3. Pay and Promotions :

No. 1.—Officers who have been promoted by brevet since the accession of Will. IV. : Number who have purchased unattached commissions; Number promoted under the general order which conferred unattached promotion with brevet rank: Officers on half-pay promoted to unattached commissions 1830: Abstract Table of the whole: Appointments to first commissions: Officers upon half-pay appointed to vacancies on full-pay: Number in the army 1st July 1831; (326.) - - - - - XIII. 59

No. 2.—Generals unattached; rate of pay; number of each class: Number of officers on full and half-pay: Number of officers on retired full-pay: Promotions by purchase of unattached commissions since 1823: Number of commissions purchased and pay cancelled: Summary, showing the total expense and saving to the public; (327.) - - - - - XIII. 71

Army—continued.**4. Commissariat :**

Estimates of sums required for the supply of bread, meat, and forage, coals, candles, and straw, for the troops in Great Britain and Ireland ; and for coals, candles, &c. for the troops at certain foreign stations ; also for the pay of the Commissariat Department, 1831 ; (33.) - - - - - XIII. 87
see also Chelsea Hospital. Ordnance.

Assessed Taxes :

Bill to continue compositions for assessed taxes for a further term, and to grant relief in certain cases ; (82.) - - - - - I. 27

England :

Cases determined on appeal subsequent to 1st February 1831 ; (70.) XVII. 1

Scotland :

Cases stated and signed by the Commissioners for regulating the duties of assessed taxes, 26 October 1830—14 June 1831 ; (80.) - - - - - XVII. 51
see also Parliamentary Representation, 2. Receivers General.

Assessment of Land. *see Land Tax.*

Assignment of Lands, Ireland. *see Subletting.*

Asylums. *see Chelsea Hospital.*

Attestation of Instruments :

Bill for amending the laws respecting the attestation of instruments made in exercise of certain powers or trusts in deeds, wills, and other instruments ; (8.) I. 31

Audit of Public Accounts, Ireland. *see Accounts.*

Augmentation of Ecclesiastical Benefices :

Bill, intituled, An Act to extend the provisions of an Act passed in the twenty-ninth year of the reign of His Majesty King Charles the Second, intituled, An Act for confirming and perpetuating augmentations made by ecclesiastical persons to small vicarages and curacies ; and for other purposes ; (203. 270.) I. 35.

Australia. *see Convicts, 1. New South Wales.*

Australia, West ; Charge of Settlements. *see Miscellaneous Services, v.*

Aylesbury. *see Disfranchisement Bills.*

B.**Baking (Ireland) :**

Bill, intituled, An Act to regulate the baking trade in Ireland ; (318.) I. 63

Bahama. *see Miscellaneous Services, v.*

Bank :**National Bank, Scotland :**

Copy of the Charter granted to the National Bank in Scotland ; together with copies of the petition for the said Charter, and of the Report of the law officers of the Crown thereupon ; also, copy of the contract of copartnership of the said National Bank ; (257.) - - - - - XIII. 447

Bank Notes :

Account of all promissory notes and post bills of the Governor and Company of the Bank of England in circulation, at the close of the business on Saturday, in every week from 10 April 1830 to 30 July 1831 ; (140.) - - - XIII. 435

Bankruptcy Court :

Bill, intituled, An Act to establish a Court in Bankruptcy ; (278. 309.) I. 71

Bankruptcy Fees :

Amount of fees received by Commissioners, 1828—1830 ; Expenses of the office of secretary of bankrupts, 1828—1830 ; Estimate of fees received by commissioners, secretary, patentee, and messengers, of the Bankruptcy Court, London, which fees and expenses are abolished by the Bankruptcy Court Bill ; Estimate of establishment to be formed under the Act to establish a court in bankruptcy, pensions and retiring allowances ; (314.) - - - - - XV. 73

Bankruptcy Fees—continued.

Amount of all fees in matter of bankruptcy received by the Clerk of the Hanaper, 1829—1831; Money paid to the Lord Chancellor during that period, and to other officers; (303.) - - - - - XV. 81

Bankrupt Laws :

Bill to amend an Act of the 6th year of his late Majesty for amending the laws relating to bankrupts; (2. 341.) - - - - - I. 109

Barilla; Bill to discontinue or alter the duties of customs upon barilla, &c. (in 89.) I. 297

Barley; Number of quarters of foreign barley which paid duty for home consumption in the United Kingdom, and amount of duty thereon, 15th July 1828 to 1st July 1830; (in 120.) - - - - - XVII. 195

Barnstaple. see *Disfranchisement Bills.*

Bastard Sugar. see *Sugar.*

Beans; Number of quarters of foreign beans that paid duty for home consumption in the United Kingdom, and amount of duty received thereon, 15th July 1828 to 1st July 1831; (in 120.) - - - - - XVII. 195

Beer :

Bill, intituled, An Act to amend an Act passed 1 Will. IV. intituled, An Act to permit the general sale of beer and cyder by retail in England; (285.) I. 117

Number of barrels of beer exported from England and Scotland to Ireland, and from Ireland to England and Scotland, from January to October 1830: Quantity exported to foreign countries, with amount of drawback, 1830: Quantity of the different sorts of beer made in Great Britain from January to October 1830; rates and amount of duty; number of barrels of strong, table, and intermediate beer, chargeable to the duties of Excise brewed in Great Britain, from 5th January to 10th October 1830, showing the quantity of malt used, and number of licenses granted; (60.) - - - - - XVII. 67

Return of all seizures made of drugs prohibited in the brewing of beer from 1st July 1828—1831, stating the date of the seizure, and the place where the seizure was made; (in appx. to 297.) - - - - - VII. 277

Belfast Academical Institution. see *Miscellaneous Services, Ireland.*

Belgium :*Fortresses :*

Protocol of a conference held at the Foreign-office, April 17, 1831, between the plenipotentiaries of Austria, Great Britain, Prussia, and Russia, with translation: Note addressed by the plenipotentiaries of Austria, Great Britain, Prussia, and Russia, to the plenipotentiary of France, 14th July 1831, with translation; (123.) XX. 1.

Benefices. see *Pluralities. Augmentation of Ecclesiastical Benefices. First Fruits Fund.*

Bermuda. see *Miscellaneous Services, v.*

Bills of Exchange :

Rates of exchange and sights at which the Select Committee at Canton have drawn bills on the several presidences in India, and the amount, 1829—30; (in appx. to 65.) - - - - - V. 209

Rates of exchange and sights at which the Select Committee at Canton have drawn bills on the Court of Directors in England; distinguishing the rates at which the Canton Treasury was opened generally from the rates at which the officers of the Company's ships were supplied with bills agreeable to charter party agreements; (in appx. to 65.) - - - - - V. 210

Binding for Public Departments. see *Miscellaneous Services, IV.*

Blanchfield and Byrne :

Record of conviction, and judgment thereon, of Messrs. Blanchfield and Byrne, at the Lent assizes for the county of Kilkenny; (222.) - - - - - XV. 393

Board of Health. see *Cholera Morbus.*

Board of Public Record. see *Miscellaneous Services, Ireland.*

Board of Works, Ireland. see *Miscellaneous Services, Ireland.*

Bonded Goods. see *Warehoused Goods.*

Bonded Spirits. see *Spirits, 1.*

Bonds. see *Licenses.*

Bowring, Mr. see *Accounts*.

Brandy :

Number of proof gallons of brandy that paid duty in each kingdom in each year 1828—1830; rate and amount of duty; (in 61.) - - - XVII. 381

Number of imperial proof gallons in bond in the United Kingdom, 1826—1830; (in 331.) - - - - - XVII. 375

Bread for the Supply of the Army. see *Army*, 4.

Brevet Rank. see *Army*, 3.

Breweries. see *Malt Drawback. Molasses.*

Brewers. see *Beer. Malt.*

Briavels, St. see *Dean Forest.*

Bribery at Liverpool. see *Elections*, 2.

Bridewells. see *Committals.*

Brigs and Frigates. see *Navy*, 2.

British Museum :

Estimate of the sum which will be required for defraying the expenditure of the establishment of the British Museum, 1831; (39.) - - - XIII. 303
see also *Miscellaneous Services*, I.

Brooksbank and Beltz. see *Accounts*.

Buckingham-House :

Bill for repealing so much of an Act passed in the seventh year of his late Majesty King George the Fourth, for paving, lighting, watching, repairing, and otherwise improving Grosvenor Place, as relates to the assessment of the boundary fence or wall of the garden belonging to Buckingham House; (6.)
I. 145

First and Second Reports from Select Committee on Windsor Castle and Buckingham Palace; (272. 324.) - - - - - IV. 1

Amount wanted to defray debts incurred for work done and contracts entered into for Buckingham House, previous to the appointment of the Select Committee of the House of Commons; (in 271.) - - - - - XIII. 309

Buckwheat; Number of quarters of foreign buckwheat that paid duty for home consumption in the United Kingdom; amount of duty received thereon, 15 July 1828—1 July 1831; (in 120.) - - - - - XVII. 195

Buildings of the House of Commons. see *House of Commons*, 1.

Bushe, Major. see *Newtown Barry*, 3.

Byrne. see *Blanchfield and Byrne.*

C.

Cadets; Number of cadets and assistant surgeons sent out to India, in each of the last five years, distinguishing each class, and specifying the presidency to which they were respectively sent; (in appx. to 320.) - - - - - V. 667

Caledonian Canal :

Twenty-seventh Report of Commissioners for making and maintaining the Caledonian Canal; (169.) - - - - - XII. 43

Cambridge and Oxford, Salaries to Professors of. see *Miscellaneous Services*, II.

Canada :

1. Administration of Justice :

Bill to amend an Act of the fourteenth year of His Majesty King George the Third, for establishing a fund towards defraying the charges of the administration of justice, and support of the civil government, within the province of Quebec, in America; (52.) - - - - - I. 149

2. Crown Revenues :

Copies of all communications which have passed, relative to the appropriation of the Crown revenue, and other financial arrangements relative thereto, between the governors of Upper and Lower Canada, and the Legislatures of the two provinces; (102.) - - - - - XIX. 1

Canada, Indian Presents for. see *Miscellaneous Services*, V.

Canada Water Communication. see *Miscellaneous Services*, v.

Candles :

Bill to repeal the duty of excise and drawback on candles ; (148.) - I. 153

Amount of duty paid on wax and spermaceti candles, 1830 ; Amount of duty paid on foreign wax imported in the last three years ; (16.) - XVII. 77

Candles for the supply of the Army. . see *Army*, 4.

Canine Madness :

Bill to prevent the spreading of canine madness ; (57.) - - - I. 159

Canton. see *China*.

Cape of Good Hope :

Representations addressed to His Majesty's Government, 1831, from the Cape of Good Hope, respecting the duties on Cape wine ; and copies or extracts of any despatches from the governor of the colony on the subject ; (103.) XVII. 485.

Captured Negroes. see *Miscellaneous Services*, IV.

Carriages. see *Steam-Carriages*.

Carts. see *Hackney-Coaches*.

Chancery :

1. *Decrees and Orders :*

Bill, intituled, An Act for the better execution of decrees and orders made in the Court of Chancery and Exchequer, in England and Ireland respectively ; (288.) I. 165

2. *Masters in Chancery :*

Names of Masters in Chancery who have retired on superannuation allowances since November 1830 ; persons appointed 1815—1831 ; number of reports sent out of the office of each Master since 1st January 1831 ; copy of minute respecting retiring salaries of Masters Roupell and Martin ; (158.) - XV. 83

see also *Bankruptcy. Lunatics*.

Chapels. see *Union of Parishes*, Ireland.

Charing Cross. see *Waterloo Bridge New Street*.

Charitable Donations. see *Roman-catholic Charities*.

Charitable Donations and Bequests, Commissioners of. see *Miscellaneous Services*, Ireland.

Charities :

Bill for appointing Commissioners to continue the Inquiries concerning Charities in England and Wales ; (229.) - - - I. 169

Twenty-fourth Report of Commissioners for inquiring concerning Charities ; (231.) - - - XI. 1.

Number of informations filed in the courts of equity by the Attorney-General at the instance of the Commissioners from the last return to the present time ;—Number of petitions preferred by the Attorney-General ;—Cases in which inquiry has restored dormant right ;—Proceedings in causes set forth as unsettled and depending ;—Money advanced by the Treasury on account of such proceedings ;—Informations signed by the Attorney-General at the instance of relators ; and petitions presented since 24th November 1830 ; (215.) XV. 45
see also *Roman-catholic Charities*.

Charter Schools. see *Education*, 2. *Miscellaneous Services*, Ireland.

Chelsea Hospital :

General receipts and disbursements of the Royal Military Asylum at Chelsea ; and the Royal Military Asylum, Southampton, 1828—1830 ; (124.) - XIII. 143

China :

Memorials and statements relative to the suspension of trade at Canton ;—Despatches to and from Chinese authorities ;—Directions given to British shipping, &c. ; (in appx. to 320.) - - - V. 594

Value of the foreign export and import trade of the port of Canton in each year since 1813, distinguishing trade carried on by each of the different nations from

China—continued.

that under the British flag; also the trade carried on by the East India Company from that carried on by private India ships; also tonnage employed by each nation in each year for the same period; (in appx. to 320.) - V. 661
see also East India. East India Company.

Cholera Morbus :

Extracts of information or opinions communicated to Government relating to the nature and extent of any infectious disease prevailing in Eastern Europe, and to the precautions recommended to prevent the introduction of such diseases; also, Names of persons appointed as a Board of Health to consider of the measures proper to be adopted to watch the nature of such disease; (49.) - - - - - XVII. 627

Church of Ireland. see First Fruits Fund.

Churches :1. *Building* :

Bill, intituled, An Act to amend and render more effectual an Act passed in the 7th & 8th years of the reign of his late Majesty, intituled, An Act to amend the laws for building and promoting the building of additional churches in populous parishes; (172. 268.) - - - - - I. 179
 Eleventh Annual Report of Commissioners appointed by virtue of an Act of Parliament, 58th Geo. 3, c. 45, intituled, An Act for building and promoting the building of additional churches in populous parishes; (336.) - - IX. 1

2. *Highland Churches* :

Sixth Report of Commissioners for Building Churches in the Highlands and Islands of Scotland; (330.) - - - - - IX. 19

3. *Applications to Commissioners* :

Particulars of all applications made to Commissioners for Building New Churches for a declaration of perpetual patronage, under 7th & 8th Geo. 4, c. 72, which have been complied with since 8th March last; (88.) XV. 1
see also Ecclesiastical Inquiry. First Fruits. Queen Anne's Bounty. Union of Parishes.

Civil Contingencies :

Sums expended under the head of Civil Contingencies 1830; and an Estimate of the amount required for 1831; (25.) - - - - - XIII. 355

Civil Government. see Canada, 1.

Civil Government Charges :

Report from Select Committee on Civil Government Charges, together with the Minutes of Evidence; (337.) - - - - - IV. 333

Estimate of sum required to provide for the payment of certain salaries, allowances, pensions and services, hereinbefore paid out of the Civil List for England and Ireland, the hereditary revenues of the Crown in Scotland, and $4\frac{1}{2}$ per cent. duties, but for which no provision has been made in the Civil List of His Majesty, from the period to which the services were last paid to 10th October 1831; (279.) - - - - - XIII. 371

Civil List, England :

Memorandum respecting the origin of some of the annuities charged on the seventh class of the Civil List; (in appx. to 337.) - - - - - IV. 381

Ireland :

Return of the manner in which 4,476*l.* 18*s.* 5*d.*, proposed to be placed at the disposal of the Lord Lieutenant, under the title of Concordatum, is to be disposed of, stating to whom, for what purpose, and the amount to each; (in appx. to 337.) - - - - - IV. 388

see also Civil Government Charges. Pensions.

Claims. see French Claims. Interpleader.

Claims on Government. see East India Company, 1.

Clare Presentments. see Grand Juries.

Clarence Victualling Yard. see *Victualling Yard, Gosport.*

Clergy. see *Augmentation of Ecclesiastical Benefices. Ecclesiastical Corporations. Non-conforming Ministers. Plurality of Dignities. Tithes. Union of Parishes.*

Clerk of the Hanaper. see *Bankruptcy Fees.*

Clerk of the Peace. see *Limerick.*

Clerks of the Peace. see *Sasines.*

Coals :

1. Customs :

Bill to discontinue or alter the duties of customs upon coals ; (in 89.) I. 297

2. Vend and Delivery :

Bill for regulating the vend and delivery of coals in the cities of London and Westminster, and in certain parts of the counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire and Berkshire ; (11. 171.) - I. 211

3. Prices in London :

Prices of coals in the London coal-market on several market-days in 1830 and 1831 ; (165.) - - - - - XVII. 83

4. Duties, Ireland :

Account of all local duties and taxes other than such as are chargeable to the Crown on the importation and sale of coal in the several ports of Ireland during each of the last three years, stating the authority under which charged, and how appropriated ; (15.) - - - - - XVII. 79

Coals for the Supply of the Army. see *Army, 4.*

Coal Mines. see *East Indies, 2.*

Coinage :

Accounts of all gold and silver coin of the realm melted at His Majesty's Mint, in each quarter from 31st December 1829, stating the amount in each quarter, and for whose account the same has been delivered out and received ; (147.)

see also *Miscellaneous Services, IV.*

XIII. 445

Collegiate Corporations. see *Ecclesiastical Corporations.*

Colonial Spirits. see *Spirits, 1.*

Colonies :

Date at which each colony or possession was captured, ceded or settled ; Number of the population, distinguishing white from coloured and free from slaves ; whether having legislative assemblies or governed by orders of the King in Council ;—Value of imports and exports into each of those colonies ; Number and Tonnage of vessels entered inwards and cleared outwards, 1829 ; (260.)

XIX. 171

see also *Canada.*

Imports and Exports.

New South Wales.

Van Diemen's Land.

Commissariat. see *Army, 4.*

Commissioners of Bankrupts. see *Bankrupts.*

Commissioners for preventing illegal Traffic in Slaves. see *Miscellaneous Services, IV.*

Commissioners :

for Building Churches. see *Churches.*

of Caledonian Canal. see *Caledonian Canal.*

of Charities. see *Charities.*

of Common Law Superior Courts. see *Courts of Law.*

of Courts of Justice. see *Courts of Justice, Ireland.*

of Ecclesiastical Inquiry. see *Ecclesiastical Inquiry.*

of Education. see *Education, Ireland.*

of Highland Churches. see *Highland Churches.*

of Holyhead Roads. see *Holyhead Roads.*

of Metropolis Roads. see *Metropolis Roads.*

of Public Accounts. see *Accounts, Public.*

of Tanjore Debts. see *Tanjore Debts.*

of Universities. see *Universities, Scotland.*

Commissions. see *Army*, 3. *Offices.*

Commitment. see *Windhurst*, Edward.

Committals:

Number of persons committed to the several bridewells, houses of correction, and other prisons, under summary process, in each county of England and Wales; 1814—1829; (131.) - - - - - XV. 101

Committee Expenses. see *House of Commons.*

Committees of the House of Commons. see *House of Commons*, 2.

Common Law Courts. see *Courts of Law.*

Common Law Commissioners. see *Miscellaneous Services*, IV.

Compassionate List. see *Army*, 1.

Composition for Assessed Taxes. see *Assessed Taxes.*

Composition of Tithes. see *Tithes.*

Concordatum. see *Civil List*, 2.

Consistorial Court. see *Courts of Justice*, Ireland.

Constables:

Special Constables:

Bill, intituled, An Act for amending the laws relative to the appointment of special constables, and for the better preservation of the peace; (292.) - - I. 331

Consuls Abroad. see *Miscellaneous Services*, IV.

Contempt of Court of Chancery. see *Privileges.*

Contempts in Ecclesiastical Courts. see *Ecclesiastical Courts.*

Conveyances. see *Registry of Deeds.*

Conviction. see *Blanchfield and Byrne.* *Windhurst*, Edward.

Convicts:

1. *Australia:*

Papers relating to the escape of convicts from Australia; (in appx. to 276.) - - - - - VII. 650

2. *Hulks:*

Estimate of the value of the labour performed under the directions of the Board of Ordnance, by convicts on board of the hulks; (in appx. to 276.) - VII. 672

3. *New South Wales:*

Observations relative to the present and future treatment of convicts in New South Wales; (in appx. to 276.) - - - - - VII. 643

Regulations observed in New South Wales with respect to the treatment of convicts generally; assignment to settlers; the granting tickets of leave; their employment in the Government service; discipline resorted to in case of prisoners sent to penal settlements; (in appx. to 276.) - - - VII. 652

Number of convict servants applied for, and assigned, 1830; number employed and maintained by Government; number absconded during the year; (in appx. to 276.) - - - - - VII. 656

Convictions in court of quarter sessions, 1827, and in the criminal courts of judicature, 1828—1830; (in appx. to 276.) - - - - - VII. 658

Information and letters concerning the present system of, and effects produced by transportation; (in appx. to 276.) - - - - - VII. 659

4. *Sheerness:*

Letter from J. Barrow to S. M. Phillipps, enclosing Report of Commissioner Boyle as to convict labour at Sheerness; (in appx. to 276.) - - - VII. 672

5. *Trinidad:*

Papers relative to the locating convicts in Trinidad; (in appx. to 276.) VII. 668
see also *Miscellaneous Services*, V.

Convicts at Home and at Bermuda. see *Miscellaneous Services*, IV.

Conway and Menai Bridges. see *Menai.*

Cork :

Imports into and exports from the port of Cork, 1825—1831, distinguishing the value of all articles exceeding the amount of 500 *l.*;—Number and tonnage of ships and vessels that have entered inwards and cleared outwards, 1816—1830; (283.) XVII. 303

Cork Harbour. see *Lighthouses.*

Cork-street Fever Hospital. see *Miscellaneous Services, Ireland.*

Corn and Grain :**1. Average Prices :**

Account of the average price of corn per quarter in England and Wales for 1830; (125.) - - - - - XVII. 89

Foreign Corn:**2. Consuls Reports :**

Copies of all such Reports relative to the price of corn in foreign countries as may have been made by His Majesty's Consuls abroad, and have not yet been laid before Parliament; (72.) - - - - - XVII. 91

3. Home Consumption:

Number of quarters of foreign wheat, barley, oats, rye, pease, beans, maize, buck-wheat, wheatmeal and flour, and oatmeal, that have paid duty for consumption in the United Kingdom, under 9 Geo. 4, c. 60; and the total amount of duty received thereon, 15th July 1828 to 1st July 1831; (120.) - - - XVII. 195

4. Wheat Imported:

Quantity of foreign wheat entered weekly for home consumption, 1831;—Rate and amount of duty paid thereon;—Quantity imported in each quarter from the passing 9 Geo. 4, c. 60; (155.) - - - - - XVII. 197

Number of quarters of foreign corn imported into Great Britain and Ireland between 5th April 1830 and 5th April 1831, distinguishing the different sorts of corn, and giving the net amount paid at the Treasury as duty thereon; (97.) XVII. 201

5. Persons appointed under 7 & 8 Geo. 4 :

Number of persons appointed, and now acting, to make returns of the sales of corn, under 7 & 8 Geo. 4, c. 58, stating the places where residing, the salaries paid to each, and from what fund paid; (37.) - - - - - XVII. 203

Corn Spirits. see *Spirits, 2.*

Cornwall, Duchy of:

Bill to enable His Majesty to make leases, copies and grants of offices, lands and hereditaments, parcel of the Duchy of Cornwall, or annexed to the same; (20.) I. 465

Coronation :

Report from Select Committee appointed to confer with His Majesty's Surveyor-general, and to consider how this House shall be accommodated with necessary conveniences in going to and coming from Westminster Abbey, and while they are there, at the solemnity of Their Majesties' Coronation, and what order shall be observed therein; (220.) - - - - - IV. 653

Estimate of the sum which may probably be required to defray the expense to be incurred on account of Their Majesties' Coronation; (216.) - XIII. 305

Correction, House of. see *Gaols.*

Corporate Property. see *Elections, 1.*

Corporations. see *Ecclesiastical Corporations.*

Corsican Emigrants. see *Miscellaneous Services, III.*

Cotton Factories :

Bill to repeal the laws relating to apprentices and other young persons employed in cotton and other factories, and in cotton and other mills, and to make other provisions in lieu thereof; (73. 107.) - - - - - I. 345

Cotton Wool; Bill to discontinue or alter the duties of customs upon cotton wool, &c.; (in 89.) - - - - - I. 297

Court of Exchequer, Scotland. see *Exchequer Court.*

Court of King's Bench. see *Criminal Informations.*

Courts of Justice :

1. *Ireland :*

Twenty-first Report of the Commissioners appointed to inquire into the duties, salaries and emoluments of the officers, clerks, and ministers of justice, in all temporal and ecclesiastical courts in Ireland; [Metropolitan and Consistorial Courts]; (146.) - - - - - X. 739

2. *Ecclesiastical Courts :*

Report of His Majesty's Commissioners of Ecclesiastical Inquiry; (93.) IX. 73
see also Admiralty Courts. Exchequer. Judicial Inquiry. Sasines. Sheriff Depute.

Courts of Law :

1. *Common Law Courts :*

Bill intituled, An Act to diminish the expense and prevent the delay of suits in the Common Law Courts at Westminster; (198.) - - - - - I. 317

2. *Fees :*

Bill to explain and amend an Act for regulating the receipt and future appropriation of fees and emoluments receivable by officers of the superior courts of Common Law; (81. 228. 256.) - - - - - I. 305

Third Report made to His Majesty by the Commissioners appointed to inquire into the practise and proceedings of the superior courts of Common Law; (92.) - - - - - X. 375

Courts of Law. see Interpleader.

Court of Requests, Southwark :

Number of persons committed to the county gaol of Surrey and the Borough Compter by the Southwark Court of Requests, in execution for debt, since August 1823; aggregate amount of expense incurred by the County of Surrey and Corporation of London in their maintenance; distinguishing the number whose debts, exclusive of costs, did not exceed 20 s., 40 s., 60 s., and 100 s.; periods for which parties are detained in custody; (240.) - - - - - XV. 93

Criminal Informations :

England and Wales :

Applications for leave to file criminal informations in the Court of King's Bench against justices of the peace in England and Wales, in which the rule *nisi*, or to show cause, has been granted, from 1st January 1820 to 31st December 1830; (99.) - - - - - XV. 87

Ireland :

Applications for leave to file criminal informations in the courtsof King's Bench in Ireland against justices of the peace, from 1820—1830; (176.) - XV. 391

Criminal Lunatics. see Miscellaneous Services, III.

Criminal Prosecutions :

Scotland :

Expenses attending criminal prosecutions carried on in the name and under the authority of the Lord Advocate of Scotland, 1829; (139.) - - - XV. 169
see also Law Expenses, Scotland.

Ireland :

Estimate to provide for the amount due under the head of criminal prosecutions in Ireland on 1st January 1831; (230.) - - - - - XIII. 349.
see also Miscellaneous Services, Ireland. Prosecutions.

Crown Lands. see New South Wales.

Crown Revenues. see Canada, 2.

Crown Slaves. see Slaves, 3.

Curacies. see Augmentation of Ecclesiastical Benefices.

Curtesy :

Bill for the amendment of the law relating to the estate of a tenant by the curtesy of England; (193.) - - - - - I. 361

Customs :

1. *Duties :*

Bill to discontinue or alter the duties of customs upon coals, slates, cotton wool, barilla, and wax; (89.) - - - - - I. 297

Customs—continued.**2. Fees :**

Bill to amend so much of an Act for the management of the Customs as allows certain fees to be taken by officers of the Customs ; (277. 291.) - I. 365

3. Revenue, Ireland :

Allowances received from the Customs revenue by searchers, customers and comptrollers of the Customs in Ireland, who are also paid salaries and allowances from the Civil List of Ireland ; (in appx. to 337.) - - - - IV. 419.

Persons appointed to situations in the Customs, October 1830 to October 1831, specifying their offices, salaries, &c.; also, Return of persons who have been nominated as expectants ; (in 332.) - - - - - XVII. 207
see also *East Indies*, 3.

Customs and Excise Oaths :

Bill for diminishing the number of oaths required to be taken by the laws relating to the revenue of Customs and Excise ; (19.) - - - - I. 373

Cyder. see *Beer*.

D.**Dean Forest Boundaries :**

Bill for ascertaining the boundaries of the Forest of Dean, and for inquiring into the rights and privileges claimed by free miners of the hundred of St. Briavel, and for other purposes ; (44.) - - - - - I. 377

Debtors. see *Insolvent Debtors*.

Decrees and Orders. see *Chancery*, 1.

Deeds. see *Attestations of Instruments.* *Register of Deeds.* *Registry of Deeds.*

De Lunatico Inquirendo. see *Lunatics*.

Deputy Lieutenants :

Bill to indemnify persons who have acted as deputy lieutenants in Scotland without due qualification ; (5.) - - - - - I. 385

Dignities and Benefices. see *Pluralities*.

Diocesan Schools, Ireland. see *Education*, 3.

Diplomatic Servants. see *Ambassadors*.

Disfranchisement Bills :

Total amount of the expenses paid by the Treasury relative to the following Disfranchisement Bills ; viz. Aylesbury, 1804 ; Helleston, 1813, 1814, 1815, 1816 ; Barnstaple, 1819 ; Penryn, 1819, 1827, 1828 ; Grampound, 1820, 1821 ; (274.) - - - - - XVI. 363

Dissenting Ministers. see *Miscellaneous Services*, III. ; and *Miscellaneous Services, Ireland*.

Distillation of Spirits, Ireland. see *Malt*.

Distillers. see *Malt. Spirits*.

Distilleries : Special Report of Messrs. Herdson & Johnston, on the mode in which the operations are carried on in certain distilleries in Scotland ; together with the Report of the Surveying General Examiners thereupon ; (in appx. to 295).
see also *Molasses. Stills*. V. 483

Disturbances, Ireland. see *White-boy Offences*.

Distribution of the Forces. see *Army*, 1.

Division of Counties, Ireland. see *Valuation of Lands*.

Domingo, St., Sufferers. see *Miscellaneous Services*, III.

Donaghadee Harbour. see *Miscellaneous Services*, I.

Dower :

Bill for the amendment of the law relating to dower ; (192.) - - I. 457

Drawback. see *Beer. Candles. Malt*, 1. *Paper Duties. Silk. Spirits. Wine*, 2.

Drays. see *Hackney-Coaches*.

Drugs. see *Beer*.

Dublin:

- Dublin Election.* see *Elections*, 3.
Dublin Freeholders. see *Parliamentary Representation*, 4.
Female Orphan House. see *Miscellaneous Services*, Ireland.
Fever Hospital. see *Miscellaneous Services*, Ireland.
Foundling Hospital. see *Miscellaneous Services*, Ireland.
Hibernian Marine Society. see *Miscellaneous Services*, Ireland.
Hibernian Society for Soldiers' Children. see *Miscellaneous Services*, Ireland.
House of Industry, &c. see *Miscellaneous Services*, Ireland.
Incurables, Hospital for. see *Miscellaneous Services*, Ireland.
Lying-in Hospital. see *Miscellaneous Services*, Ireland.
Police and Watch of Dublin. see *Miscellaneous Services*, Ireland.
Richmond Lunatic Asylum. see *Miscellaneous Services*, Ireland.
Royal Society. see *Miscellaneous Services*, Ireland.
Stevens' Hospital. see *Miscellaneous Services*, Ireland.
 see also *Lighthouses*.

Duchess of Kent. see *Kent*, Duchess of.

Duchy of Cornwall. see *Cornwall*, Duchy of.

Dunmore. see *Lighthouses*.

Dutch Naval Officers. see *Miscellaneous Services*, III.

Duties. see *Candles*. *Coal*. *Corn*. *Gloves*. *Hops*. *Malt*, 2. *Paper Duties*. *Silk*.

E.**East Indies:****1. Generally:**

Annual revenue accounts respecting disbursements, trade and sales, 1826-27, 1827-28, 1828-29; (4.) - - - - - XIX. 25

Amount of proceeds of the sale of goods and merchandize of the East India Company in Great Britain; their commercial receipts, charges, &c.; Statement of their bond debt, &c.; State of cash remaining in their treasury, &c., distinguishing the territorial and commercial branches; Salaries, &c., allowances, &c., payable in Great Britain, 1st May 1830 to 1st May 1831; Superannuations, &c. granted by 53 Geo. 3, c. 155; (14.) - - - - - XIX. 13

Accounts concerning the revenue, territorial and commercial debts, trade, taxes and monopolies of the East India Company; (in appx. to 65); (in appx. to 320.) - - - - - V. 165. 558

2. Coal Mines:

Selections from copies of communications respecting the coal mines of India, received at the India House from the different Presidencies; (in appx. to 320.) - - - - - V. 776

3. Customs:

Copies of despatches sent to, or received from, India by the East India Company, since the passing 53 Geo. 3, c. 155, relating to the reduction of the customs and inland duties in India, and of proceedings had thereupon; (in appx. to 320.) - - - - - V. 652

4. European Residents:

Return of the number of Europeans in British India, not in the service of His Majesty, or of the East India Company, distinguishing those residing within the presidencies of Bengal, Madras, Bombay, and each of the British settlements within the Straits of Malacca respectively, on 1st May 1814 and 1830; (in appx. to 320.) - - - - - V. 769

5. Land Revenue:

Amount of the land revenue, and sayer and abkaree duties, in Bengal, Behar, Orissa, Benares, and the Ceded and Conquered Provinces of Bengal, Bombay and Madras, 1790, 1800, 1810, 1820, 1830, distinguishing each head of revenue, together with the various items of charge, and the rate at which each branch of revenue has been collected; (in appx. to 320.) - - - - - V. 582

East Indies—continued.**6. Public Works :**

Abstract Statement of all important public works which have been constructed in India, or are at present in progress, such as canals or roads, since the last renewal of the East India Company's charter ; (in appx. to 320.) - V. 770

7. Trade :

Commerce to and from India with Great Britain, North America, and Foreign Europe, 1827-28 and 1828-29, distinguishing the trade of the East India Company from that of individuals, and merchandize from treasure, (in appx. to 65.) V. 189.

East India Company :

Report from the Select Committee on the Affairs of the East India Company, with an Appendix of Accounts and Papers, and Index ; (65. 320. A.) V. 1

Papers relating to China, Appendix II. (320. B.) - VI. 1

External and internal commerce of Bengal, Madras and Bombay, Appendix III. (320. C.) - VI. 169

Administration of Monopolies of Opium and Salt, Appendix IV. ; (320. D.) VI. 345

Legislative Councils: New system of courts of justice and code of laws ; with index ; (320. E.) - VI. 465

1. Claims on Government :

Abstract Statement of the claims of the East India Company upon His Majesty's Government, for supplies furnished, and expenses incurred, in India and England, on various accounts, with interest calculated thereon to 30th April 1821 ; (in appx. to 320.) - V. 742

2. Trade :

Value of the trade of the East India Company, showing the prime cost of the various articles purchased ; the whole of the commercial charges in England, the East Indies, China, &c. ; together with the freight and demurrage, and total value of proceeds of such trade ; 1827-1828 ; (in appx. to 320.) - V. 664

Profit and loss of the East India Company between Europe and India, Europe and China, India and China, China and North American Colonies (in appx. to 65.) - V. 198

see also Bills of Exchange. Cadets. China. Fees. Indigo. Licenses. Military Stores. Offices. Population, 2. Silk. Tea. Trade. Writers. Tanjore Debts.

Ecclesiastical Benefices. *see Augmentation of Ecclesiastical Benefices. Tithes.*

Ecclesiastical Corporations :

Bill to authorize exchanges of lands and other possessions of certain ecclesiastical corporations ; (9.) - I. 471

Ecclesiastical Courts :

Bill, intituled, An Act for enforcing the process upon contempts in the Courts Ecclesiastical of England and Ireland ; (263.) - I. 483

see also Courts of Justice, Ireland.

Ecclesiastical Inquiry. *see Courts of Justice.*

Education, Ireland :**1. Parochial Schools, Ireland :**

Bill for the establishment and maintenance of parochial schools, and the advancement and the education of the people in Ireland ; (286.) - I. 491

Annual Report from the Commissioners of Education in Ireland, for the year ending March 1831 ; (13.) - XII. 101

2. Charter Schools :

Total number of children in the charter schools of Ireland, 1826-1830 ; (157.) XV. 67

3. Diocesan Schools :

Return from the diocesan and other endowed schools : Number of scholars taught in each school in January 1831, specifying the number of those for whose education payment is made from private means ; number of free scholars ; salaries and emoluments attached to such schools from their foundation ; (106.) XV. 69

Education and Schools. *see Miscellaneous Services, Ireland.*

Elections :

1. *Corporate Property :*
Bill to prevent the application of corporate property to the purposes of election of Members to serve in Parliament; (18.) - - - - - I. 339
2. *Liverpool Franchise :*
Bill to prevent bribery and treating in the election of Burgesses to serve in Parliament for the borough of Liverpool; (248.) - - - - - I. 131
3. *Dublin Election :*
Report from the Select Committee on the City of Dublin Election Petition, and also the Minutes of Evidence taken before them; (145.) - - - - - IV. 447
4. *Pembroke :*
Report from the Select Committee on the Pembroke County Election Petition; also the Minutes of Evidence taken before them; (262.) - - - - - IV. 535

Embankments :

- Bill to empower landed proprietors in Ireland to sink, embank, and remove obstructions in rivers; (105. 210.) - - - - - I. 513

Emoluments. see *Courts of Law*, 2.

Employment of the Poor. see *Miscellaneous Services, Ireland.*

Endowed Schools, Ireland. see *Education*, 3.

Escoffery Compensation. see *Miscellaneous Services, IV.*

Estimates. see *Army*, 1. *British Museum. Civil Contingencies. Criminal Prosecutions. Coronation Expenses. Miscellaneous Estimates. Navy. Ordnance. Victualling Yard. Windsor Castle.*

European Residents. see *East Indies*, 4.

Exchange. see *Bills of Exchange.*

Exchanges of Lands. see *Ecclesiastical Corporations. Lands, Titles to.*

Exchequer. see *Accounts. Ways and Means.*

Exchequer, Teller of. see *Miscellaneous Services, Ireland.*

Exchequer Bills :

- Estimate of the sum which will be required to pay interest on Exchequer Bills for the year 1831; (38.) - - - - - XIII. 437
- Accounts of Exchequer Bills issued and unprovided for; issued between 5th January 1830 and 5th January 1831; and monies in the Exchequer, and remaining to be received, 31st January 1831; (47.) - - - - - XIII. 439
- Names of Commissioners appointed, and officiating, for the issue of Exchequer Bills for Public Works in England; stating their salaries, and amount issued by them; amount outstanding, and not repaid; annual expenses of Commission; (154.) - - - - - XIII. 441
- see also *Works, Public.*

Exchequer Court, Scotland :

- Bill, intituled, An Act for making provision for the dispatch of the business now done by the Court of Exchequer in Scotland; (163.) - - - - - I. 633

Exchequer Court, Ireland. see *Excise*, 2.

Exchequer Decrees and Orders. see *Chancery*, 1.

Exchequer Fees. see *Army*, 1.

Exchequer Office, Expenses of. see *Miscellaneous Services, II.*

Excise :

- Persons appointed to situations in the Excise department, October 1830—October 1831; specifying their offices, salaries, &c.; also, such persons as have been nominated as expectants; (332.) - - - - - XVII. 207
- Informations filed in the Court of Exchequer, Ireland, during the last three years, for the recovery of penalties under the Excise laws: (136.) - - - - - XVII. 235
- see also *Candles. Customs and Excise. Hops.*

Executions. see *Writs of.*

Expenses of Lords and Commons. see *Miscellaneous Services, II.*

Extraordinary Expenses of the Army. see *Army*, 2.

F.

Factories. see *Cotton Factories.*

Fawley. see *Poor*, 7.

Fee Funds Deficiency. see *Miscellaneous Services*, II.

Fees; Statement of the rate of fees received at the East India House from civil and military officers, according to their respective rank; also from free traders, mariners, servants and others, proceeding to the East Indies; (in appx. II. 320.) - V. 669

Fees. see *Bankrupts. Courts of Law*, 2. *Customs*, 2.

Fees on Turnpike Road Bills. see *Miscellaneous Services*, IV.

Female Orphan House. see *Miscellaneous Services*, Ireland.

Fernando Po. see *Miscellaneous Services*, V.

Fever Hospital, Cork-street. see *Miscellaneous Services*, Ireland.

Fines and Recoveries:

Bill for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance in lieu of them; (294.) - - - - I. 637

Fire Insurance:

Sums paid into the Stamp-Office for fire-insurance duty in London and country, 1830; distinguishing the amount of the allowance made to each office for collecting the same; (77.) - - - - - XVII. 241

First Fruits, Ireland:

Case and opinions of the law officers of the Crown in Ireland on the subject of the re-valuation of the benefices to the First Fruits Fund, as taken on an address to His Majesty 14th March last; (195.) - - - - - XV. 7

Flour. see *Corn*, Foreign.

Forage for the supply of the Army. see *Army*, 4.

Foreign Corn. see *Corn*.

Foreign Half-pay. see *Army*, 1.

Foreign Ministers. see *Ambassadors*.

Foreign Spirits. see *Spirits*, 1.

Foreign Wine. see *Wine*, 2. 3.

Forest of Dean. see *Dean Forest*.

Fortresses. see *Belgium*.

Foundling Hospital of Dublin. see *Miscellaneous Services*, Ireland.

Four-and-a-half per Cent. Duties:

Appropriation of the net proceeds of the four-and-a-half per cent. duties received by the husband from the agent, 1829; Monies remaining in the Exchequer, on 5th January 1829, on account of four-and-a-half per cent. duties; Monies paid into the Exchequer in 1829; Account of the application thereof; (in 284.) XIII. 377.

Return of pensioners on the four-and-a-half per cent. duties who have resigned their pensions, or which have ceased by death; (in 334.) - XIII. 425
see also *Civil Government Charges*.

France. see *Accounts. French Claims. Imports and Exports*.

Frauds:

Bill to amend the provisions of the Statute of Frauds; (7.) - - - - I. 669

Freeholders. see *Parliamentary Representation*.

Freemen. see *Galway. Parliamentary Representation*.

Free Miners. see *Dean Forest*.

French Claims:

Dividends received upon Rentes placed upon deposit with the Commissioners under Conventions, No. 7, 1815; stating the date of receipts and rentes purchased; sums remitted by Commissioners to England; rates of exchange, &c.; sums invested in British public securities; dates of such investments; rates at which invested, and dividends received; (151.) - - - - - XVII. 651

French Refugee Clergy and Laity. see *Miscellaneous Services*, III.

Frigates and Brigs. see *Navy*, 2.

Full-pay. see *Army*, 3.

G.

Galway Franchise :

Bill to repeal so much of an Act passed in Ireland in the 4th year of King George the First, for the better regulating the town of Galway, and for strengthening the Protestant interest therein, as limits the franchise created by the said Act to Protestants only ; (205. 234.) - - - - - II. 1

Freemen :

Return of those Catholic freemen of the Corporation of Galway who have been elected or admitted since 1st of April 1831 ; distinguishing those engaged in trade, &c. ; (185.) - - - - - XVI. 365

Game :

Bill to amend the laws in England relative to Game ; (63. 156.) - - - II. 9

Gaols :

Total expenses incurred in building, repairing, fitting, and furnishing the several gaols and houses of correction in England and Wales since 1800 ; distinguishing such several gaols and houses of correction ; (316.) - - - XV. 491

Garrisons at Home and Abroad. see *Army*, 1.

Gauze Ribbands. see *Ribbands*.

General Officers' Pay. see *Army*, 1.

Geneva :

Number of gallons of Geneva that paid duty in each kingdom, in each year 1828—1830 ; rate and amount of duty ; (in 61.) - - - XVII. 381

Number of imperial proof gallons of Geneva in bond, 1826—1830 ; (in 331.) XVII. 375

Gloves :

Number of dozen pair of habit gloves, men's gloves and mitts imported into the United Kingdom, with the amount of duty paid thereon, 1828—1830, and the quarter ending 5th April 1831, distinguishing the quarterly periods of entry ; (96.) - - - - - XVII. 243

Gold Coast, Civil and Military Establishment. see *Miscellaneous Services*, v.

Gold Coinage. see *Coinage*. *Miscellaneous Services*, IV.

Gosport. see *Priddy's Hard Repairs*. *Victualling Yard*.

Governor of the Isle of Wight. see *Isle of Wight*.

Graham, Captain. see *Newtown Barry*, 2.

Grampound. see *Disfranchisement Bills*.

Grand Juries, (Ireland) Clare :

Bill to enable the treasurer of the county of Clare to issue his warrants for the levying of the presentments made at the Spring Assizes of the year 1831 ; (218.) II. 51

Bill to repeal the provisions of several Acts relating to the presentments of money for public purposes by grand juries in Ireland, and to make more effectual provisions relating to such presentments ; (323.) - - - - - II. 55

Grants. see *Commissions*.

Griffith, Richard. see *Roads, Ireland*.

Grosvenor Place. see *Buckingham Palace*.

Guernsey and Jersey Spirits. see *Spirits*, 5.

H.

Hackney-Coaches :

Bill to consolidate and amend the laws relating to hackney-coaches, and the registering and numbering of waggons, carts and drays used in the Metropolis ; also to place the collection of the duty on such hackney-coaches under the management of the Commissioners of Stamps, and to transfer the collection and management of the duties on hawkers and pedlars in England from the Commissioners of Hackney-Coaches to the Commissioners of Stamps ; (133. 182.) - - - - - II. 145

Half-pay. see *Army*. *Marines*.

Half-pay and Military Allowances. see *Army*, 1.

C

Hanaper, Clerk of. see *Bankruptcy Fees*.

Havanna. see *Slaves*.

Hawkers and Pedlars. see *Hackney-Coaches*.

Helleston. see *Disfranchisement Bills*.

Herdson & Johnston. see *Distilleries*.

Hereditary Revenue, Scotland :

Account stating how 2,000 *l.* paid to the General Assembly of the Church of Scotland from the Hereditary Revenue was expended 1830; and of 1,000 *l.* paid to the Procurator of the Church of Scotland for 1830; (in appx. to 337.) IV. 426

Statement showing the names of persons, dates of appointment, and tenure of office; whether performed in person or by deputy, salary, &c., heretofore paid out of the Hereditary Revenues, but proposed in future to be charged on the Consolidated Fund; (in appx. to 337.) - - - - - IV. 428
see also *Law Expenses*. *Pensions*.

Hibernian Marine Society. see *Miscellaneous Services, Ireland*.

Hibernian Society for Soldiers Children. see *Miscellaneous Services, Ireland*.

Highland Churches. see *Churches*, 2.

Highways :

Bill to consolidate and amend the laws relating to highways, in that part of Great Britain called England; (10. 116.) - - - - - II. 227
see also *Roads, Ireland*. *Turnpike Roads*.

Hiring and Service. see *Poor*.

Hodges, James. see *Zemindar of Nozeed*.

Holland. see *Belgium*.

Holyhead Harbour. see *Miscellaneous Services, I.*

Holyhead Roads :

Copy of the Report of the Commissioners of Holyhead Roads relative to the origin of their commission for improvement of Holyhead Roads, and the present jurisdiction and duties of the Commissioners; (298.) - - - - - XII. 17

Eighth Report of the Commissioners appointed under 4 Geo. 4, c. 74, and 7 & 8 Geo. 4, c. 35, for vesting in them certain bridges now building, and for the farther improvement of the road from London to Holyhead and from London to Liverpool; (280.) - - - - - XII. 29
see also *Menai and Conway Bridges*. *Roads*.

Hops :

Bill to regulate the payment of duties on hops; (299.) - - - - - II. 343

Duty charged on hops grown in the United Kingdom; total number of acres of land under cultivation; quantity exported to foreign parts; quantity of foreign hops exported from, and imported into, the United Kingdom; distinguishing the countries; (59.) - - - - - XVII. 245

Hospitals, Ireland :

Bill to amend an Act passed in the Parliament of Ireland in 5 Geo. 3, for establishing public hospitals in Ireland; (247.) - - - - - II. 347

Hospitals. see *Chelsea Hospital*. *Miscellaneous Services, Ireland*.

House of Commons :

1. *Buildings :*

Report from Select Committee on House of Commons Buildings, together with the Evidence taken before them; (308.) - - - - - IV. 655

2. *Committees :*

Amount of expenses paid by the Treasury on account of all Select Committees of the House of Commons, and committees of the whole House, since 1800; distinguishing the expenses under separate heads of each committee in each year; (273.) - - - - - XVII. 623
see also *Judicial Officers, Ireland*. *Privileges*.

Household of the Lord Lieutenant. see *Miscellaneous Services, Ireland*.

House of Industry. see *Miscellaneous Services, Ireland*.

House Rent of Labourers. see *Poor's Rate*.

Houses. see *Parliamentary Representation*.

Houses of Correction. see *Gaols*.

Houses of Lords and Commons, Expenses of. see *Miscellaneous Services*, II.

Houses of Lords and Commons Printing. see *Miscellaneous Services*, IV.

Hulks. see *Convicts*, 2.

Hydrophobia. see *Canine Madness*.

I.

Illicit making of Malt, Ireland. see *Malt*.

Imports and Exports :

1. *Generally :*

Imports and exports of the United Kingdom, 1829; distinguishing the trade with each foreign country or British possession, and showing the principal articles of import and export, distributed into classes, with the quantities of such articles; and of British exports, their declared value; together with a statement of the quantities of imported articles retained for home consumption; (153.) - - - - - XVII. 257

2. *Cork :*

Imports into and exports from the port of Cork, July 1825—1831; distinguishing quantity and value of all articles severally exceeding the amount of 500 l.; (in 283.) - - - - - XVII. 303

3. *France :*

Amount, in official and real value, of all British exports to France, in each year since 1814; distinguishing those of British from Colonial produce;—Amount in official value of all imports from France in each year; (189.) - XVII. 297

4. *Official Value :*

Official and declared value of the imports to and exports from the United Kingdom, from and to British colonies and possessions, 1830; also, from and to all foreign countries, 1830; distinguishing each country, and British, colonial and foreign produce; (253.) - - - - - XVII. 299

5. *Waterford :*

Imports into and exports from the port of Waterford, July 1825—1830; distinguishing quantity and value of all articles severally exceeding the amount of 500 l.; (in 17.) - - - - - XVII. 319

see also *Beer. Colonies. Silk. Sugar.*

Inclosure Acts. see *Lands, Titles to.*

Incumbents. see *Tithes.*

Incurables, Hospital for. see *Miscellaneous Services, Ireland.*

Indian Presents for Canada. see *Miscellaneous Services, V.*

Indigo : Quantity of indigo purchased by the East India Company in Bengal, 1814—1829, with its cost price in rupees; specifying the rate per maund, charges thereon, and shipping expenses, and converting the gross amount into sterling money, at the mercantile rates of exchange at which bills were drawn on London, during each season, adding freight and insurance; also, sale proceeds in London, deducting charges; statement showing net profit and loss; rate which the indigo in each year yielded as a remittance; (in appx. to 320.) - - V. 655

Inheritance :

Bill for the amendment of the law of inheritance; (191.) - - II. 373.

Inland Navigation. see *Miscellaneous Services, Ireland.*

Insane Persons. see *Lunatics.*

Insolvent Debtors :

Number of persons discharged; dividends paid; property made available towards liquidation of debts; and debtors ordered to be detained in custody; (141.) XV. 89.

Insolvent Debtors Court. see *Miscellaneous Services, II.*

Inspectors of Taxes. see *Receivers General. Taxes.*

Instruments. see *Attestation of. Register of Deeds.*

Insurance. see *Fire Insurance. Marine Insurance.*

Interpleader :

Bill, intituled, An Act to enable courts of law to give relief against adverse claims made upon persons having no interest in the subject of such claims; (196.) II. 379.

Ireland :—Matters relating to *Ireland* will be found under the following Heads :

Accounts, Public.	Juries.
Admiralty Court.	Lagan Navigation.
Arms.	Lighthouses.
Baking.	Limerick Clerk of the Peace.
Civil List.	Lord-Lieutenant.
Commissions.	Marine Insurance.
Cork.	Maynooth College.
Courts of Justice.	Newtown Barry.
Criminal Informations.	Parliamentary Representation.
Criminal Prosecutions.	Reform in Parliament.
Dublin.	Roads.
Ecclesiastical Courts.	Rolls, Master of.
Ecclesiastical Inquiry.	Shannon Navigation.
Education.	Spirits.
Embankments.	Subletting.
Excise.	Union of Parishes.
First Fruits.	Valuation of Lands.
Galway Franchise.	Waterford.
Grand Jury Presentments.	Whiteboy Offences.
Hospitals.	Works, Public.
Judicial Inquiry.	

Irish Loan Commissioners. see *Works, Public.*

Irish Royal Academy. see *Miscellaneous Services, Ireland.*

Isle of Wight :

Copy of the letters patent under which the governor of the Isle of Wight holds that office; (245.) - - - - - XVII. 669
see also *Parliamentary Representation.*

J.

Jamaica. see *Slaves, 2.*

Jersey and Guernsey Spirits. see *Spirits, 1.*

Judges. see *Salaries.*

Judicial Inquiry :

Copy of a letter, dated 26th January 1831, from the Chief Secretary of Ireland to the several courts of justice, as to the suggestions of the Commissioners of Judicial Inquiry; (214.) - - - - - XV. 389

Judicial Inquiry, Commissioners of. see *Miscellaneous Services, Ireland.*

Judicial Officers, Ireland :

Bill to extend the provisions of an Act of 1 & 2 Geo. 4, for excluding certain judicial officers in Ireland from being members of the House of Commons; (159.) - - - - - II. 529

Juries, Ireland :

Bill for consolidating and amending the laws relative to jurors and juries in Ireland; (132.) - - - - - II. 385
see also *Grand Juries.*

Justice, Administration of :

Bill to improve the administration of justice in Ireland; (115.) - - - I. 5
see also *Canada, 1. Judicial Inquiry.*

Justices of the Peace. see *Criminal Informations.*

K.

Keeper of the Register of Sasines. see *Sasines.*

Kent, Duchess of :

Bill to enable His Majesty to grant an annual sum to her Royal Highness Victoria-Maria-Louisa Duchess of Kent, for a more adequate provision for her said Royal Highness, and for the honourable support and maintenance and education of her Royal Highness the Princess Alexandrina-Victoria of Kent; (142.) I. 461

Kilkenny Assizes. see *Blanchfield and Byrne.*

King's Bench Court. see *Criminal Informations.*

L.

Labourers. see *Poor's Rate*.

Lagan Navigation :

Receipts and expenditure of the Company of Undertakers of the Lagan Navigation, 1824—1831, specifying the sums received and how expended; (212.) XVII. 501

Copy of Treasury Minute 21st March 1828, on the subject of the compensation to be made to the Lagan Navigation Company; (312.) - - XVII. 497

Land Forces. see *Army*.

Land Revenue :

Eighth Report of the Commissioners of His Majesty's Woods, Forests and Land Revenues, being the Second Annual Report of said Commissioners under 10 Geo. 4. c. 50: (179.) - - - - - Fol. Vol.

see also *East Indies*, 5.

Land Tax :

Bill to explain and amend two Acts of the 34th & 38th years of his Majesty King George the Third, so far as the same relate to the double assessment of the land tax; (56.) - - - - - II. 417

Land Taxes. see *Receivers General*.

Lands, Titles to :

Bill for remedying defects in the titles to lands allotted or taken in exchange under Inclosure Acts; (74. 160. 246.) - - - - - II. 353

Lands, Ireland. see *Valuation of*.

Law Charges. see *Miscellaneous Services*, IV.

Law Expenses, Scotland :

Estimate of the sum that will probably be required in 1831 to defray charges in Scotland heretofore paid out of the Hereditary Revenues, or out of the Customs and Excise revenues in their progress to the Exchequer; (32.) - XIII. 349

Law Prosecutions. see *Criminal Prosecutions*.

Law of Real Property Commissioners. see *Miscellaneous Services*, IV.

Lead :

Quantity of lead and lead ore imported, and from whence, from 1st January 1830 to 1st January 1831, with the amount of duty received; (75.) - XVII. 329

Lieutenants. see *Deputy Lieutenants*.

Lieutenants of Counties, Ireland. see *Lord Lieutenants*.

Lescene and Escoffery Compensation. see *Miscellaneous Services*, IV.

Licenses; Number of brewers, licensed victuallers, and persons licensed under the Act to permit the sale of beer by retail; number who brew their own beer; quantity of malt used from 10th October 1830 to 5th January 1831; (in 60.) XVII. 67

Licenses and Bonds, East India Company:

Sums received at the East India House on granting of licenses or certificates for ships or persons proceeding to the East Indies; distinguishing public officers from private merchants, and amount of stamps from amount of fees; specifying total of each class, in each year 1814—1831; (in appx. to 320.) V. 714.

Number of licenses which have been granted by the Court of Directors, and by the Board of Commissioners for the Affairs of India, to individuals to reside in India; number refused, in each year 1814—1831; (in appx. to 65.) V. 163.

Lighthouses, Ireland :

Receipts and disbursements of the corporation for preserving and improving the port of Dublin on account of lighthouses; gross sum collected at each port on account of lighthouse dues, 1813—1830; correspondence or memorials relative to the erection of a lighthouse between Dunmore and Cork Harbour, and of the reports which have been made thereon; (118.) - - - XVII. 507

Limerick Clerk of the Peace :

Copy of the appointment of the present clerk of the peace for the county of Limerick; also, certificate of his age at the time of his appointment to that office; (130.) - - - - - XV. 363

Limitation of Actions. see *Real Property.*

Liverpool. see *Elections, 2. Holyhead Roads.*

Liverpool Revenue Buildings. see *Miscellaneous Services, I.*

Living. see *Augmentation of Ecclesiastical Benefices. Pluralities.*

Loan Commissioners. see *Works, Public.*

Lord Chancellor. see *Bankruptcy Fees. Salaries.*

Lord Lieutenants of Counties, Ireland :

Bill, intituled, An Act to provide for the better order and government of Ireland by Lieutenants for the several counties, counties of cities, and counties of towns therein ; (113.) - - - - - II. 439

Return of Lord Lieutenants of Irish counties appointed under the recent Act for that purpose ; specifying those resident in their respective counties ; (264.) XV. 365

Lord Lieutenant of Ireland's Household. see *Miscellaneous Services, Ireland.*

Lord Steward. see *Oaths.*

Lottery Officers' Salaries. see *Miscellaneous Services, Ireland.*

Lunatics :

Bill, intituled, An Act to diminish the inconvenience and expense of Commissioners in the nature of writs *de lunatico inquirendo*, and to provide for the better care and treatment of idiots, lunatics and persons of unsound mind, found such by inquisition ; (317.) - - - - - II. 449

Bill for regulating the care and treatment of insane persons in England ; (21.) II. 453

With the amendments made by the Lords ; (204.) - - - - - II 489

Lunatics, Criminal. see *Miscellaneous Services, III,*

Lying-in Hospital. see *Miscellaneous Services, Ireland.*

M.

Maize ; Number of quarters of foreign maize that paid duty for home consumption in the United Kingdom ; amount of duty received thereon, 15th July 1828 to 1 July 1831 ; (in 120.) - - - - - XVII. 195

Malt :

Bill to consolidate and amend the laws for suppressing the illicit making of malt and distillation of spirits in Ireland ; (55. 315.) - - - - - I. 389

Report from the Select Committee on malt drawback on spirits, together with the Minutes of Evidence ; (295.) - - - - - VII. 341

1. Drawback :

Money paid to distillers as drawback on malt for each kingdom up to 5 July 1831 ; (in 223.) - - - - - XVII. 385

2. Duty :

Number of bushels of malt charged with duty in the United Kingdom, and amount of duty thereon ; distinguishing the quantities used by brewers and distillers, from 10th October 1829 to 5th January 1831 ; Number of bushels of malt made, and amount of duties thereon, 1830 ; (58.) - - - - - XVII. 333

Number of quarters of malt made and charged with duty, and the rate and amount thereof in each kingdom, 10th October 1829 to 5th April 1830, 10th October 1830 to 5th April 1831 ; (137.) - - - - - XVII. 337

Gross and net amount of malt duties in Scotland 1819—1830 ; distinguishing the amount of drawback paid back in each year ; (187.) - - - - - XVII. 339

Number of bushels of malt charged with duty in the United Kingdom, 1830, and to 5th July 1831 ; distinguishing England and Scotland, and the amount at each period ; (224.) - - - - - XVII. 341

3. Price :

Monthly average price of malt spirits, commencing October 1826—1831, at per imperial proof gallon ; (in appx. to 295.) - - - - - VII. 631

4. Revenue :

Amount of revenue arising from the duty charged on malt in the half year ending 5th April 1831 ; (in appx. to 297.) - - - - - VII. 289

see also *Beer. Distilleries.*

Malt Drawback. see *Malt*, 1.

Maltreatment of Slaves. see *Slaves*.

Management of Customs Fees. see *Customs*.

Mantraps. see *Spring Guns*.

Manufactured Silk. see *Silk*.

Marine Insurance :

Sums received by the Commissioners of Stamps, during 1830, for stamps on marine insurances; distinguishing what sums were received on policies effected in London; (76.) - - - - - XVII. 343

Ireland :

Sums received by the Commissioners of Stamps, 1830, for stamps on marine policies, Ireland; (122.) - - - - - XVII. 345

Marine Society, Dublin. see *Miscellaneous Services, Ireland*.

Marines :

Number of gentlemen appointed to first commissions; number of promotions since 25th January 1830; officers on full pay and half-pay 1st January 1831; officers brought from half to full pay since 1st January 1830; officers who have been allowed to sell their commissions since 25th March 1830; (307.)

XIII. 217

Martin. see *Chancery*, 2.

Masters in Chancery. see *Chancery*, 2.

Master of the Mint. see *Mint*.

Master of the Rolls. see *Rolls, Master of. Salaries*.

Maynooth College :

Copy of the last Report of the visitors of the Royal College at Maynooth; (267.)
see also *Miscellaneous Services, Ireland*. XV. 71

Meat for the supply of the Army. see *Army*, 4.

Medicines. see *Army*, 1.

Members of Parliament. see *Judicial Officers. Oaths*.

Menai and Conway Bridges :

Sums paid into the Exchequer by the Post-office, and by Holyhead Road Commissioners, 1830; (188.) - - - - - XVII. 493

Metropolis Turnpike Roads :

Fifth Report of the Commissioners of the Metropolis Turnpike Roads North of the Thames, appointed under 7 Geo. 4, c. 142, prepared in obedience to the 138th section of that Act; (41.) - - - - - XII. 1

Metropolitan and Consistorial Courts. see *Courts of Justice, Ireland*.

Midshipmen. see *Navy*.

Milbank Penitentiary. see *Miscellaneous Services, II*.

Military Accounts, Ireland :

Bill to repeal an Act, passed 52 Geo. 3, to provide for the more speedy examination, controlling, and finally auditing the military accounts of Ireland; (302.)
II. 531

Military Allowances. see *Army*, 1.

Military Asylums. see *Chelsea Hospital*.

Military Stores;

Quantity and value of the military stores exported to India, 1829—1830, specifying the average rate of freight per ton at which they have been sent out; (in appx. to 65.) - - - - - V. 221.

Militia :

Bill to suspend, for a limited time, the making of lists, and the ballots and enrolments for the militia of the United Kingdom; (83. 91.) - - - - - II. 532

Report from the Committee appointed to prepare Militia Estimates; (85.)
IV. 677

Militia Officers. see *Army*, 1.

Mills. see *Cotton Factories*.

Miners. see *Dean Forest*.

Mint:

Bill to reduce the salary of the master and worker of His Majesty's Mint; (45.)
see also *Coinage*. XII. 541

Miscellaneous Services:

Estimates for the year 1831:

No. I.—Public buildings;—Portpatrick Harbour;—Donaghadee Harbour;—British Museum;—Holyhead Harbour;—Revenue Buildings, Liverpool; (27.)
XIII. 221

II.—Salaries and Allowances to the Officers of the Houses of Lords and Commons;—Expenses, Lords and Commons;—Deficiencies of the Fee Funds, and Contingencies and Messengers of Treasury, Home Secretary of State, Foreign and Colonial Secretaries of State, Privy Council Office, and Office for Trade;—Expenses of Exchequer Messengers;—Salaries to Professors of the Universities of Oxford and Cambridge;—Insolvent Debtors Court Establishment;—Aliens, Salaries and Expenses;—Penitentiary Establishment, Milbank;—Office of Works;—Office of Registry of Slaves;—State-Paper Office; (28.) XIII. 237

III.—Superannuation Allowances;—Toulounese and Corsican Emigrants;—Dutch Naval Officers, and St. Domingo Sufferers;—American Loyalists;—National Vaccine Establishment;—Refuge for the Destitute;—Criminal Lunatics;—Protestant Dissenting Ministers;—Poor French Refugee Clergy and Laity; (29.) - - - - - XIII. 249

IV.—Secret Service, Foreign and other;—Printing for the Houses of Lords and Commons;—Stationery, Printing, and Binding for Public Departments;—Gold Coinage;—Prosecutions relating to Coin;—Law Charges;—Convicts at Home and at Bermuda;—Captured Negroes;—Commissioners for preventing Illegal Traffic in Slaves;—Consuls Abroad;—New South Wales Bills;—Fees on Turnpike Road Bills;—Common Law and Law of Real Property Commissioners;—Lescene and Escoffery Compensation;—Pensions on Irish Civil List;—Expenses under Commissioners of Records; (30.) - - - - - XIII. 263

V.—Bahamas;—Nova Scotia;—Bermuda;—Prince Edward's Island;—Newfoundand;—Sierra Leone;—Civil and Military Establishments on the Gold Coast;—Society for the Propagation of the Gospel in Foreign Parts;—Stores for New South Wales and Van Diemen's Land, for Convicts;—Clothing and Tools for Liberated Africans at Sierra Leone;—Indian Presents for Canada;—Water Communication, Canada;—Charge of Settlement in West Australia, for 1831;—Fernando Po; (31.) - - - - - XIII. 293

see also *British Museum. Coronation Expenses. Criminal Prosecutions. Victualling Yard. Waterloo Bridge New Street. Windsor Castle and Buckingham Palace.*

Miscellaneous Services, Ireland:

Estimate for 1831:

Protestant Charter Schools;—Schools and Education;—Foundling Hospital of Dublin;—House of Industry;—Richmond Lunatic Asylum;—Hibernian Society for Soldiers Children;—Hibernian Marine Society;—Female Orphan House;—Westmorland Lock Hospital;—Lying-in Hospital;—Dr. Steeven's Hospital;—Fever Hospital, Cork-street;—Hospital for Incurables;—Roman-catholic College, Maynooth;—Royal Dublin Society;—Royal Irish Academy;—Commissioners of Charitable Donations and Bequests;—Belfast Academical Institutions;—Board of Works for Civil Buildings;—Chief and Under Secretaries Offices;—Household of the Lord Lieutenant;—Vice Treasurer's Offices;—Office of Teller of the Exchequer;—Printing Proclamations;—Criminal Prosecutions;—Non-conforming and other Dissenting Ministers;—Salary to Lottery Officers;—Inland Navigation;—Police and Watch of Dublin;—Commissioners of Judicial Inquiry;—Board of Public Records;—Employment of the Poor;—Commissioners of Public Works; (177.) - - - - - XIII. 311

see also *Criminal Prosecutions.*

Copy of a Minute of the Board of Treasury on the subject of the Irish Miscellaneous Estimates; (235.) - - - - - XIII. 341

Missionary Society. see *Miscellaneous Services, V.*

Molasses:

Report from Select Committee on the use of molasses in breweries and distilleries, with Minutes of Evidence, Appendix, and Index; (109. 297.) - VII. 1

Money Payment Acts Repeal Bill. see *Wages.*

Money Payment of Wages Bill. see *Wages.*

N.

National Bank, Scotland. see *Bank.*

National Vaccine Establishment. see *Miscellaneous Services*, III.

Navigation. see *Shipping. Steam Navigation.*

Navy :1. *Estimates ; viz.*

Ordinary of the Navy, and building and repair of ships, 1831 ; (26.) XIII. 149

2. *Frigates and Brigs :*

Account of 28-gun ships and 10-gun brigs at present in the British Navy ; also, account of those now building or ordered to be built ; (170.) - XVII. 667

3. *Promotions :*

Number of midshipmen promoted to the rank of lieutenant, 1830 ;—Number of lieutenants promoted to be commanders ;—Number of commanders to be captains, 1830 ;—Number of captains to be rear-admirals, and number of admirals promoted, 1827—1830 ;—Number of officers promoted on His Majesty's accession : —Number of officers, distinguishing rank, on 1st January 1831 ; (306.) XIII. 195

see also *Marines. Victualling Yard.*

Negroes, Captured. see *Miscellaneous Services*, IV.

New Churches. see *Churches.*

Newfoundland. see *Miscellaneous Services*, V.

New South Wales :

Copies of the Royal Instructions to the governors of New South Wales, Van Diemen's Land, and Western Australia, as to the mode to be adopted in disposing of the Crown lands ; with such parts of any despatches addressed to them as relate to that subject, by which means of emigration may be facilitated ; (328.) XIX. 113

Copies of instructions given by His Majesty's Secretary of State for promoting the moral and religious instruction of the aboriginal inhabitants of New Holland and Van Diemen's Land ; (261.) - - - - - XIX. 151

see also *Convicts*, 3. *Miscellaneous Services*, IV.

New South Wales Bills. see *Miscellaneous Services*, IV.

New Street. see *Waterloo Bridge New Street.*

Newtown Barry :1. *Depositions before Coroner :*

Copy of the depositions taken at Newtown Barry before the coroner's inquest on those who were killed in an affray on 18th June last ; (342.) - - XV. 399

2. *Captain Graham :*

Indictments against Captain Graham ; informations and depositions on the subject-matter of the indictments transmitted to the Crown-office of the county of Wexford ; (221.) - - - - - XV. 435

3. *Major Bushe :*

Report made by Major Bushe, in consequence of directions given by the Lord Lieutenant, into the truth of a report that the yeomanry had fired shots over the Roman-catholic chapel while the relatives of those who had been killed were at prayers ; (241.) - - - - - XV. 487

Non-conforming Ministers :

Return of sums granted by Parliament for non-conforming ministers and seceders in Ireland ; (in appx. to 337.) - - - - - IV. 418

Return of sums paid to non-conforming ministers and seceders in Ireland under the *Regium Donum* ; stating the dates at which each sum was granted ; (in appx. to 337.) - - - - - IV. 419

see also *Miscellaneous Services*, Ireland.

Nova Scotia. see *Miscellaneous Services*, V.

O.

Oaths :

Bill to repeal so much of certain Acts as require certain oaths to be taken by Members of the House of Commons before the Lord Steward or his deputies ;
 (3.) - - - - - II. 545
 see also *Customs and Excise*.

Oats and Oatmeal :

Number of quarters of foreign oats that have paid duty for home consumption in the United Kingdom, and amount of duty received thereon, 15th July 1828 to 1st July 1831 ; (in 120.) - - - - - XVII. 195

Obstructions in Rivers, Ireland. see *Embankments*.

Offices :

Bill, intituled, An Act to revive and continue expired commissions, appointments, patents and grants in Ireland, and to indemnify certain persons in relation thereto ; (51.) - - - - - I. 301

East India Company :

Offices under, or connected with, the Presidency of Bengal ; showing the number of persons and expense attaching to each establishment, as it stood on 1st May 1817 and 1st May 1827 ; stating likewise the date of new establishments, &c. ; (in appx. to 320.) - - - - - V. 671

Return of all establishments held under the East India Company within the United Kingdom and Colonies, and connected therewith, and not included in Returns laid before the Committee on East India Affairs, 1830 ; with salaries and allowances, fixed and contingent expenses, 1st May 1817 and 1st May 1827 ; stating date of establishments, &c. ; (in appx. to 65. and 320.) - V. 185—682

Orders made in the Court of Chancery and Exchequer. see *Chancery*.

Ordnance :

Estimate of the charge of the Ordnance Department, including superannuation allowances, 1831 ; (23.) - - - - - XIII. 95

Balance remaining unpaid on 1st January 1831 upon each of the grants of Parliament for Ordnance Services, set forth 11 Geo. 4. and 1 Will. 4 ; balance remaining in the hands of the Treasurer of the Ordnance on 1st January 1831 ; (180.) - - - - - XIII. 139

see also *Priddy's Hard Repairs*.

Orphan Females' House. see *Miscellaneous Services, Ireland*.

Oxford and Cambridge, Salaries to Professors of. see *Miscellaneous Services, II*.

P.

Palaces. see *Works, Public*.

Paper Duties :

Persons in confinement for non-payment of penalties ; prosecutions connected with the paper duties ; and drawbacks allowed on exportation of paper ; (346.)
 XV. 539

Parishes. see *Union of Parishes*.

Parliamentary Representation :

1. *Applications :*

Copies of all applications (not already laid before Parliament) made to His Majesty's Government, that any city, town, or district should be continued in, or admitted to, the right of sending Members to Parliament ; (64.) XVI. 1

Further copies of applications ; (112.) - - - - - XVI. 75

Copies of further information touching the amount of population and the number and value of houses in towns or districts now sending Members to Parliament, or proposed in the Reform Bill to send Members in future ; (68.) XVI. 81

2. *Assessed Taxes :*

Total amount of assessed taxes for the years ending 5th April 1829 and 5th April 1830, and 5th April 1831, for places sending Members to Parliament ; (69.)
 XVI. 143

Total amount of assessed taxes, in 1828—1830, levied on the places contained in Schedules (C.) and (D.) of the Bill, (last amended,) to amend the Representation in England and Wales ; (84.) - - - - - XVI. 151

Parliamentary Representation—continued.

2. *Assessed Taxes*—continued.

Total amount of the assessed taxes, 1828—1830, levied in places contained in Schedule (F.) of the Bill to amend the Representation of the People in England and Wales; (121.) - - - - - XVI. 155

Number of houses in Wales, Schedule (F.) assessed to the inhabited house-duty; population; total assessed taxes paid for several towns, and towns and parishes, in Monmouth; (207.) - - - - - XVI. 157

3. *Electors* :

Number of resident electors in each of the boroughs named in Schedule (B.) of the Reform of Parliament (England) Bill; (134.) - - - - - XVI. 166

4. *Freeholders and Freemen* :*England* :

Number of freeholders who have exercised the right of voting in the several counties of England and Wales for Knights of the Shire since 1811, as have appeared upon the poll books; (149.) - - - - - XVI. 177

Number of freeholders resident in the several cities and towns being counties within themselves, in England and Wales; (150.) - - - - - XVI. 189

Ireland :

Number of freeholders in the different counties in Ireland registered up to 1st May 1831, distinguishing the 50*l.*, 20*l.*, and 10*l.* freeholders; (183.) XVI. 197

Number of freemen created in each corporate town in Ireland returning Members from 1st April to 20th July 1831, distinguishing those entitled by right; (200.) XVI. 207

Return from Clerk of the Peace of all registered 40*s.* freeholders of the county of the city of Dublin, with description of their freeholds; (213.) XVI. 217

5. *Population* :

Population, 1821, of each county, city, &c. which is to send Members to Parliament under the Reform Bill, stating number of Members, and amount of assessed taxes, 1830; (208.) - - - - - XVI. 237

Population of each county, city, &c. in England and Wales now sending Members; number of Members sent, and amount of assessed taxes paid, 1830; (209.) XVI. 245

Population, according to the last census, of the parishes in which any city, borough or cinque port in England and Wales, now sending Members to Parliament, is wholly or partly situate; distinguishing, in cases where the limits of the parish and the town are not the same, the population of each respectively; (110.) - - - - - XVI. 253

Population of 56 English boroughs the population of which stands lowest, 1831; of the 41 boroughs immediately above them; also, the 16 boroughs next in order; and a similar return from the census of 1821; (178.) - - - - - XVI. 287

Population, 1831, of boroughs and other places not mentioned in Schedules (A.) (B.) or (F.) of the Reform of Parliament England Bill; (111.) - - - - - XVI. 293

Population, according to the last census, of all such towns or districts, in England and Wales, as are proposed in the Reform Bill to send Members to Parliament in future; (108.) - - - - - XVI. 331

Population, 1821 and 1831, of all towns or cities in England exceeding 10,000 to which it is not intended to give Representatives; (233.) - - - - - XVI. 357

Isle of Wight :

Population, according to the last census, of the Isle of Wight, in the county of Southampton; (144.) - - - - - XVI. 359

Scotland :

Population of the several counties of Scotland, as enumerated in May 1831; (258.) - - - - - XVI. 361

Parochial Schools, Ireland. see *Education*, 1.

Patents. see *Isle of Wight. Offices.*

Pay and Promotions. see *Army*, 3. *Navy*, 3.

Pease :

Number of quarters of foreign pease that paid duty for home consumption in the United Kingdom, and amount of duty received thereon, 15th July 1828 to 1st July 1831; (120.) - - - - - XVII. 195

Pedlars. see *Hackney Coaches.*

Peerages; Expenses incurred in the Court of Session, 1830, in causes respecting peerages before that Court; (in 325.) - - - - - XV. 307

Pembroke. see *Elections*, 4.

Penitentiary, Milbank. see *Miscellaneous Services*, II.

Penryn. see *Disfranchisement Bills*.

Pensions :

1. *England, Scotland, Ireland :*

Sum required for salaries, &c. heretofore paid out of the Civil List for England and Ireland, the Hereditary Revenues of the Crown in Scotland, and the 4 $\frac{1}{2}$ per Cent. Duties, but for which no provision has been made in the Civil List of His present Majesty, from the periods to which the several services were last paid to 5th July 1831; (87.) - - - - - XIII. 375

Return of Pensions on the Civil List of England, Ireland, and Scotland, and on the 4 $\frac{1}{2}$ per Cent. Duties; reprinted; (284.) - - - - - XIII. 377

Pensions on the Civil List of England and Ireland, and Hereditary Revenues, Scotland, November 1830; stating names of persons holding the office of First Lord of the Treasury or Lord Lieutenant of Ireland at the period of each grant; (345.) - - - - - XIII. 397

2. *Scotland :*

Account of all Pensions granted out of the Civil List of Scotland, from June 1830 to June 1831, specifying the names of the persons to whom the same were granted; (79.) - - - - - XIII. 423

3. *Resigned :*

Return of such Pensioners of England, Scotland and Ireland, and the 4 $\frac{1}{2}$ per Cent. Duties, as have signified their intention of declining to receive their pensions in future; and of pensions which have ceased by the death of the pensioners; (334.) - - - - - XIII. 425

see also *Ambassadors. Bankruptcy Fees. Civil Government Charges. Superannuation Allowances.*

Pensions on Irish Civil List. see *Miscellaneous Services*, IV.

Pensioners of Chelsea and Kilmainham Hospitals. see *Army*, 1.

Perkins, Mr. J. see *Steam-Vessels*.

Pilots :

Sums received by the corporation of Trinity House from the Thames river pilots, in pursuance of 6 Geo. 4. c. 125, for 1830, distinguishing the payments of three guineas each from the poundage paid upon the earnings of the pilots; also, names of the Thames river pilots at present holding licenses as such; (126.) XVII. 495

Pluralities :

Bill, intituled, An Act to restrain and regulate the holding of plurality of dignities and benefices by spiritual persons; (293.) - - - - - II. 549

Police and Watch of Dublin. see *Miscellaneous Services*, Ireland.

Poor :

1. *Generally :*

Bill for bettering the condition of the agricultural poor; (343.) - - - - - II. 557

Bill to amend an Act of 59 Geo. 3, for the relief and employment of the poor; (319.) - - - - - II. 575

Bill, intituled, An Act to amend the laws for the relief and employment of the poor; (202.) - - - - - II. 579

Ireland :

Bill to make provision for the relief of the poor in Ireland in certain cases; (237.) II. 583

2. *Settlement by Hiring :*

Bill to alter and amend the laws of settlement by hiring and service; (53.) III. 397

Report from the Select Committee of the House of Lords appointed to consider of the Poor Laws, with the Minutes of Evidence taken before the Committee, and Appendix; (227.) - - - - - VIII. 321

Fawley, Hants :

Resolutions passed at a meeting of magistrates acting for the division of Fawley on 31st August 1822; with alterations adopted in their stead; (199.) XVII. 677

Poor, Employment of. see *Miscellaneous Services*, Ireland.

Poor's Rate :

Bill to prohibit the practice of paying the house rents of able-bodied labourers out of the poor's rate ; (90) - - - - - II. 351

Population :**1. Great Britain :**

Comparative account of the population of Great Britain in 1801, 1811, 1821, 1831, with the annual value of real property 1815 ; also, statement of the progress in the inquiry regarding the occupations of families and persons, and the duration of life, as required by Population Act 1830 ; (348.) - - - XVIII. 1

2. India :

Population of the British territories in India, under the different heads of Presidencies, Provinces and Districts ; specifying the area in British miles of each presidency, province and district respectively ; also, population of the principal cities and towns within the British possessions in India ; (in appx. to 320.) - - - V. 764

see also *Colonies. Parliamentary Representation.*

Portpatrick Harbour. see *Miscellaneous Services, I.*

Portugal :**A. Papers relative to Portugal :**

Correspondence relative to the British demands on the Government of Portugal ; XX. 13

B. Papers relative to Portugal :

Correspondence relative to the French demands on the Government of Portugal ; XX. 143

Post Bills. see *Bank Notes.*

Post-Office Steam-Packets. see *Steam-Vessels.*

Prescription :

Bill, intituled, An Act for shortening the time of prescription in certain cases ; (338.) - - - - - II. 597

Presentments. see *Grand Juries.*

Price of Malt. see *Malt, 3.*

Priddy's Hard Repairs :

Letter from the Secretary to the Ordnance, requesting authority for repairing the floors of the magazine belonging to that department at Priddy's Hard, Gosport ; together with the Treasury Minute thereon ; (311.) - - - XIII. 213

Prince Edward's Island. see *Miscellaneous Services, V.*

Printing for the Lords and Commons. see *Miscellaneous Services, IV.*

Printing for Public Departments. see *Miscellaneous Services, IV.*

Printing Proclamations. see *Miscellaneous Services, Ireland.*

Private Bills :

Sessional Resolutions limiting time for receiving petitions ; (1.) - XVII. 595

Lists for Committees on petitions for private bills, and on private bills ; (43.)

XVII. 597

Return of all private bills which have passed the House of Commons wherein any toll has been imposed on carriages propelled by steam or other mechanical contrivance ; distinguishing the amount of toll charged per horse on stage-carriages, vans, waggons and cars, and the charge on steam-carriages ; (in appx. to 324.)

VIII. 316

Privileges :

Report from the Committee appointed to examine the matter of a letter of the Lord Chancellor, stating, " That he had issued a warrant for the commitment of the Honourable William Long Wellesley for a contempt of Court ;" also, a letter from the Honourable W. L. Wellesley complaining of the same ; (117.)

IV. 685

Proclamations, Printing of. see *Miscellaneous Services, Ireland.*

Promissory Notes. see *Bank Notes.*

Promotions. see *Army, 3. Marines. Navy, 3.*

Prosecutions, Scotland :

Expenses attending criminal prosecutions carried on in the name and under the authority of the Lord Advocate of Scotland, 1829 ; (139.) - - - XV. 169

- Prosecutions.* see *Criminal Prosecutions*.
Prosecutions relating to Coin. see *Miscellaneous Services*, IV.
Prosecutions relating to Paper Duties. see *Paper Duties*.
Protestant Charter Schools. see *Miscellaneous Services*, Ireland.
Protestant Dissenting Clergy. see *Miscellaneous Services*, III.
Protocol. see *Belgium*.
Public Accounts. see *Accounts*.
Public Buildings. see *Miscellaneous Services*, I. *Works*, Public.
Public Departments. see *Army*, 1.
Public Records. see *Miscellaneous Services*, Ireland.
Public Works. see *East India*, 6. *Works*, Public.
Public Works Commissioners. see *Miscellaneous Services*, Ireland.
Punishments. see *Secondary Punishments*.

Q.

Quarantine :

- Number of vessels placed in quarantine for the United Kingdom, 1826—1830 ; amount of fees charged on the clearances of each, and to whom paid : Number of vessels placed in quarantine since 1st January 1831 ; (226.) - XVII. 347
 Mode in which the fee of 5*l.* 14*s.* 6*d.*, paid for the release of each vessel from quarantine, is appropriated, to whom paid, and for what purpose ; (206.)

Quebec. see *Canada*.

XVII. 355

Queen :

- Bill for enabling His Majesty to make provision for supporting the royal dignity of the Queen in case she shall survive His Majesty ; (104.) - II. 603

Queen Anne's Bounty :

- Purchases completed by the Governors of Queen Anne's Bounty in 1800, 1805, 1812, 1815, 1820, 1825 and 1826, specifying the locality of the property, and the living for the augmentation of which the several purchases were made ; statement of the amount standing in any Government or Public Stock, and the sums in the hands of the Treasurer, 1800—1826 ; (67.) - XV. 21

- Balance in the hands of the late Treasurer of Queen Anne's Bounty at the time of his decease ; whether the same, and what portion thereof, has been discharged ; whether the security given by the treasurer is available to the amount of such balance unpaid ; (129.) - XV. 43

R.

Rates, Ireland. see *Valuation of Lands*.

Rating Tenements. see *Tenements*.

Raw Silk. see *Silk*, 3.

Real Property :

- Bill for the limitation of actions and suits relating to real property, and for simplifying the remedies for trying the right thereto ; (194.) - II. 425
 see *Register of Deeds*.

Real Property Commissioners. see *Miscellaneous Services*, IV.

Receivers-General :

- Bill for transferring the duties of receivers-general of the land and assessed taxes to persons executing the offices of inspectors of taxes, and for making other provisions for the receipt and remittance of the said taxes ; (127.) - III. 1

Record Commission, Expenses of. see *Miscellaneous Services*, IV.

Records, Public, Board of. see *Miscellaneous Services*, Ireland.

Recoveries. see *Fines and Recoveries*.

Refinery of Sugar. see *Sugar*.

Reform in Parliament :

1. *England and Wales :*

- Bill to amend the representation of the people in England and Wales ; (22).
 [In Committee] (0.29. 232. 244.) - - - - - III. 9
- - - - - Clauses 18. 22, 23, 24, 25, 26, 27. 29, 30. 35, 36, 37, as proposed to
 be amended ; (0.31. 0.32. 0.35. 0.37. 0.39.) - - - - - III. 183
- - - - - Clauses (A.) (B.) as proposed to be inserted after clauses 36. 40 ;
 57. 59 ; (0.41. 0.42.) - - - - - III. 201
- - - - - Schedules (I.) (K.) as proposed to be amended ; (0.38. 0.40.)
 - - - - - III. 205
- - - - - Riders proposed to be added on the third reading after clauses
 57. 59 ; (0.46. 0.44.) - - - - - III. 213

2. *Scotland :*

- Bill to amend the representation of the people of Scotland ; (66. 269.) III. 217

3. *Ireland :*

- Bill to amend the representation of the people in Ireland ; (62.) - III. 267
see also Parliamentary Representation.

Refuge for the Destitute. *see Miscellaneous Services, III.*

Refugee Clergy and Laity. *see Miscellaneous Services, III.*

Regiments in the East Indies. *see Army, 1.*

Register of Deeds :

- Bill for establishing a general register for all deeds and instruments affecting real
 property in England and Wales ; (249.) - - - - - III. 297

Registry of Deeds, Ireland :

- Bill to regulate the office for registering deeds, conveyances and wills in Ireland ;
 (219. 296.) - - - - - III. 349

Registry of Slaves. *see Miscellaneous Services, II.*

Requests, Court of. *see Court of Requests.*

Retired Officers, Full Pay of. *see Army, 1.*

Revenue Buildings, Liverpool. *see Miscellaneous Services, I.*

Revenue in India. *see East Indies, 1.*

Revenue on Malt. *see Malt, 4.*

Ribbands :

Silk Gauze Ribbands :

- Account of the silk gauze ribbands imported into the United Kingdom for home
 consumption, with the amount of duty thereon, from 5th July 1826; distin-
 guishing the quarterly periods of entry ; (168.) - - - - - XVII. 361

Richmond Lunatic Asylum. *see Miscellaneous Services, Ireland.*

Rio Janeiro. *see Slaves.*

Rivers in Ireland. *see Embankments.*

Roads :

- Report on the roads made at the public expense in the southern district of Ireland,
 by Richard Griffith ; (119.) - - - - - XII. 61
- Sum expended, 1824—1830, on the several roads in each and every county in
 Ireland, by the direction and under the control of supervisors, and subsequently
 levied by grand jury presentments, to re-imburse such supervisors ; (211.)
see also Highways. Metropolis Roads. Turnpike Roads. XVII. 543

Rolls, Master of, Ireland :

- Bill to enable the Master of the Rolls, Ireland, to try the title claimed by him to
 appoint a Secretary for the Rolls Court of Ireland ; (300.) - - - - - III. 387
- Letters of the Master of the Rolls of Ireland, addressed to the Right honourable
 Sir Robert Peel, dated 14th April 1826 ; to the Right hon. William Sturges
 Bourne, dated 3d May 1827 ; to the Marquis of Lansdowne, dated 19th July
 1827 ; and of the answers thereto from the Right hon. W. S. Bourne, and the
 Marquis of Lansdowne ; (287.) - - - - - XV. 367

Rolls, Master of, Ireland—continued.

Letters from the Master of the Rolls to Viscount Melbourne, December 1830, and the answers thereto; (322.) - - - - - XV. 381

Copies of the Rolls Orders, bearing date 14th Nov. 1827 and 24th Jan. 1831, in relation to the office of secretary at the Rolls Court; (344.) - XV. 387
see also *Salaries*.

Roman-Catholic Charities :

Bill for the better securing the charitable donations and bequests of His Majesty's subjects in Great Britain professing the Roman-catholic religion; (35.) III. 393

Roman-Catholic College, Maynooth. see *Miscellaneous Services, Ireland*.

Rothsay Castle. see *Steam-Vessels*.

Roupell. see *Chancery, 2*.

Royal Clarence Victualling Yard. see *Victualling Yard*.

Royal Dublin Society. see *Miscellaneous Services, Ireland*.

Royal Irish Academy. see *Miscellaneous Services, Ireland*.

Royal Military Asylum. see *Chelsea Hospital*.

Royal Military College. see *Army, 1*.

Royal Palaces. see *Works, Public*.

Rum :

Number of proof gallons of rum that paid duty in each kingdom in each year 1828—1830; rate and amount of duty; (in 61.) - - - - - XVII. 381

Number of imperial proof gallons of rum in bond in the United Kingdom 1826—1830; (in 331.) - - - - - XVII. 375

Rye: Number of quarters of foreign rye that paid duty for home consumption in the United Kingdom; and total amount of duty received thereon, 15th July 1828 to 1st July 1831; (in 120.) - - - - - XVII. 195

S.

Salaries: Statement of salaries of the Lord High Chancellor of England, the Lord Chancellor of Ireland, the Vice Chancellor of England, the Master of the Rolls in England and Ireland respectively, and the Judges of England and Ireland respectively; distinguishing out of what funds the same have been hitherto paid; (in 337.) - - - - - IV. 338
see also *Civil Government Charges*. *Pensions*.

Salaries and Allowances to the Officers of the Houses of Lords and Commons. see *Miscellaneous Services, II*.

Salaries to Lottery Officers. see *Miscellaneous Services, Ireland*.

Salaries to Professors of the Universities of Oxford and Cambridge. see *Miscellaneous Services, II*.

Sasines :

Emoluments of the Clerk of the Peace, Keeper of the Register of Sasines, Sheriff Clerk; stating whether two offices have been held by one and the same person, and whether the sheriff depute has resided within his jurisdiction during the last 10 years; (321.) - - - - - XV. 179

Schools. see *Education*. *Miscellaneous Services, Ireland*.

Scotland :—Matters relating to *Scotland* will be found under the following Heads :

Banks.	Law Expenses.
Caledonian Canal.	Parliamentary Representation.
Criminal Prosecutions.	Reform of Parliament.
Deputy Lieutenants.	Sasines.
Exchequer.	Sheriffs Depute.
Hereditary Revenue.	Turnpike Roads.
Highland Churches.	Universities.

Secondary Punishments :

Report from the Select Committee appointed to inquire into the best mode of giving efficiency to Secondary Punishments, with the Minutes of Evidence, &c.; (276.) - - - - - VII. 519

see also *Convicts*.

Secretaries of State. see *Miscellaneous Services*, II.

Secretary's, Chief and Under, Offices. see *Miscellaneous Services*, Ireland.

Secret Service, Foreign and other. see *Miscellaneous Services*, IV.

Seizures. see *Beer*. *Stills*.

Select Committees. see *House of Commons*.

Settlement by Hiring and Service. see *Poor*.

Sewers :

Bill to amend the laws relating to sewers ; (174.) - - - - - III. 401

Shannon Navigation :

Tolls and expenditure of the Shannon Navigation ; copy of agreement between the Directors General of Inland Navigation and the Directors of the Grand Canal Company ; (175.) - - - - - XVII. 519

Sheerness. see *Convicts*, 4.

Sheriff Clerk. see *Sasines*.

Sheriffs Depute, Scotland :

Accounts of the sheriffs and stewards in Scotland for their receipts and disbursements in the public service, audited and passed before the Barons of Exchequer for the year ended at Whitsuntide 1830 ; showing the principal heads both of charge and discharge, and the total amount of each ; (138.) - - - - - XV. 303
see also *Sasines*.

Shipping :

Number of British and Foreign vessels, with the amount of their tonnage, that entered inwards and cleared outwards at the ports of the United Kingdom, 1829 ; (252.) - - - - - XVII. 257

Cork :

Number and tonnage of ships and vessels that have entered inwards and cleared outwards from the port of Cork, 1816—1830 ; (in 283.) - - - - - XVII. 303

Waterford :

Number and tonnage of ships and vessels that have entered inwards and cleared outwards from the port of Waterford, 1816—1830 ; (in 17.) - - - - - XVII. 359

India :

Quantity of American shipping which has cleared out from the different ports of British India, 1827—28 and 1828—29 ; (in appx. to 65.) - - - - - V. 194

Quantity of tonnage employed annually in the country trade between the different ports of British India and Canton, 1827—28, 1828—29 ; (in appx. to 65.) - - - - - V. 197

Ships belonging to or chartered by the East India Company lost or captured ; stating their tonnage, cargoes, and the voyage they were prosecuting when lost or captured ; (in appx. to 65.) - - - - - V. 201

see *China*. *Colonies*. *Navy*. *Quarantine*. *Steam-Vessels*.

Sierra Leone. see *Miscellaneous Services*, V. *Slaves*.

Silk :

1. Imported :

Articles imported into and exported from this country, and brought into consumption, of silk of all sorts, distinguishing quality and quantity of each ;—All raw, thrown and manufactured silk imported and exported, or consumed, 1830, distinguishing the different descriptions, from whence imported, and amount of duty ;—Drawback paid on exportations of British silk, of British silk manufactured goods, 1830 ;—Foreign-manufactured silk permitted to be imported on condition of being afterwards re-exported, 1830 ;—Total quantity of raw and waste silk entered for home consumption in Great Britain and Ireland, 1814—1828, distinguishing each sort, in averages of five years, from 1814 ;—Raw and waste silk entered for home consumption in Great Britain and Ireland, 1829 ; (255.) - - - - - XVII. 363

2. Factories :

Statement of the number and valuation of silk filatures or factories of the East India Company in Bengal, at the last valuation, distinguishing the name of each filature, with the value of the same ; (in appx. to 320.) - - - - - V. 659

*Silk—continued.***3. Raw Silk:**

Annual investment of raw silk provided in Bengal and imported into London, 1814—1829, both inclusive; (in appx. to 320.) - - - - V. 656

Quantity of raw silk supplied by the agents in Bengal, and sold in India and England; stating the sale value thereof, in each year from 1809—10, inclusive; (in appx. to 320.) - - - - - V. 657

Silk Gauze Ribbands. see *Ribbands.*

Silver Coinage. see *Coinage.*

Slates; Bill to discontinue or alter the duties of customs upon slates, &c.; (in 89.) I. 297

Slaves:

Reports made to His Majesty's Government from the governors of the different slave colonies, affecting the treatment, &c. of Africans condemned under Acts for abolishing the slave trade; instructions given relative to apprenticed Africans, &c.; (304.) - - - - - XIX. 261

Copies of all communications relative to the reported mal-treatment of a slave named Henry Williams, in Jamaica; (101.) - - - - - XIX. 293

Orders sent to the colonies for emancipating the slaves belonging to the Crown, and of any report made to His Majesty's Secretary of State for the Colonies in relation to the measure, and any direction relative to the means by which the slaves emancipated are to be maintained; (305.) - - - - - XIX. 303

Class A.—Correspondence with the British Commissioners at Sierra Leone, the Havanna, Rio Janeiro and Surinam, relating to the slave trade - XIX. 321

Class B.—Correspondence with foreign powers relating to the slave trade, see also *Colonies.* XIX. 463

Slaves, Commissioners for preventing Illegal Traffic in. see *Miscellaneous Services*, IV.

Slaves, Registry of. see *Miscellaneous Services*, II.

Southampton Asylum. see *Chelsea Hospital.*

Southwark. see *Court of Requests.* *Writs of Execution.*

Special Constables. see *Constables.*

Spermaceti Candles. see *Candles.*

Spirits:

Bill to consolidate and amend the laws for suppressing the illicit making of malt and distillation of spirits in Ireland; (55. 315.) - - - - I. 389

1. Bonded:

Number of imperial proof gallons of rum, brandy, geneva, and other foreign, colonial, or Guernsey or Jersey spirits, in bond in the United Kingdom, 1826—1830; (331.) - - - - - XVII. 375

2. Corn Spirits:

Return of the amount of revenue arising from the duty on corn spirits in the United Kingdom, in the half year ending 5th April 1831; (in appx. to 297.) VII. 289

3. Drawback:

Money paid by distillers as drawback on malt used, or spirits made from malt: Imperial gallons of proof spirits distilled in England, Ireland and Scotland, and exported from and to each: Number of gallons that paid duty for home consumption; number of gallons remaining in bond 5th July 1831; (223.) XVII. 385

4. Duty:

Total number of gallons of proof spirits, of the manufacture or distillation of the United Kingdom, that paid duty for home consumption in each kingdom, in each year 1828—1830; rate and amount of duty; also, number of proof gallons of rum, brandy, geneva, and all other foreign spirits that paid duty in each kingdom, 1828—1830; rate and amount of duty; (61.) - - - - - XVII. 381

Amount of British, colonial, and foreign spirits which have paid the home-consumption duty in England, Scotland and Ireland, 1821—1830; also, amount of spirits purchased by the Victualling-office for the use of the navy and army during the same period; (186.) - - - - - XVII. 389

5. Guernsey and Jersey:

Number of imperial proof gallons of Guernsey and Jersey spirits imported into England; duty paid thereon; quantity remaining in bond; (333.) XVII. 391

Spirits—continued.**6. Wash, &c. distilled :**

Total number of gallons of wash distilled by each distiller in Great Britain and Ireland, 10th October 1826 to 5th April 1828 : Total number of proof gallons of spirits made from malt only by every distiller in Ireland and Scotland, for the same period ; (243.) - - - - - XVII. 393

see *Malt. Malt Drawback. Molasses..*

Spring Guns :

Bill, intituled, An Act to permit the setting of spring guns and man-traps in certain cases ; (250.) - - - - - III. 417

Staff Officers. see *Army.*

Stamp Office. see *Insurance.*

Stamps. see *Hackney-Coaches. Marine Insurance.*

State Paper Office. see *Miscellaneous Services, II.*

State Papers. see *Belgium. Portugal.*

Stationery, Printing and Binding for Public Departments. see *Miscellaneous Services, IV.*

Statute of Frauds. see *Frauds.*

Steam Carriages :

Report from the Select Committee on Steam Carriages, with Minutes of Evidence ; (324.) - - - - - VIII. 203

Steam Navigation :

Report from the Select Committee on Steam Navigation, together with the Minutes of Evidence, Appendix and Index ; (335.) - - - - - VIII. 1

Steam Vessels :

Bill to regulate the navigation of steam boats and vessels upon certain parts of the river Thames ; (164.) - - - - - III. 421

Casualties which have occurred, either from accident to the machinery or vessel, or from their getting aground, or otherwise, to Post-office steam packets on Irish stations, 1830—1831 ; stating time of detention, and the means taken to obviate the probability of such accidents in future : (in appx. to 335.)

VIII. 154

Papers relating to the loss of the *Rothsay Castle* ; (in appx. to 335.) VIII. 156

Statement of damage done at different times to the ballast lighters, barges and boats belonging to the honourable Corporation of Trinity House by steam and also by sailing vessels ; (in appx. to 335.) - - - - - VIII. 166

Specification of dimensions and scantlings adapted for the construction of steam vessels of the first class which are intended for the conveyance of goods and passengers, calculated to insure their safety in dangerous navigation against the consequences of striking the ground, or from a heavy sea ; (in appx. to 335.)

VII. 170

Papers delivered to the Steam Navigation Committee by Mr. J. Perkins, on paddle-wheels and explosion of steam-boilers ; (in appx. to 335.) VIII. 152

Steevens', Dr., Hospital. see *Miscellaneous Services, Ireland.*

Stewards. see *Sheriffs Depute.*

Stills : Return of seizures made of illicit stills in England since the passing 6 Geo. 4, "for regulating distilleries in England," to the present time ; stating the date of seizure, and the place where the seizure took place ; (in appx. to 297.)

VII. 280

Strand Improvements. see *Waterloo Bridge New Street.*

Straw for the Supply of the Army. see *Army, 4.*

Subletting, Ireland :

Bill, intituled, An Act to repeal an Act passed in the seventh year of his late Majesty King George the Fourth, intituled, "An Act to amend the law of Ireland respecting the assignment and subletting of lands and tenements," and to substitute other provisions in lieu thereof ; (242.) - - - - - III. 429

Sugar :**Refinery :**

Bill to continue and amend the provisions of the Acts for allowing sugar to be delivered out of warehouse to be refined ; (290.) - - - - - III. 437

Sugar—continued.

Quantity of foreign sugar entered under 9 Geo. 4, c. 93, and 1 Will. 4, c. 72, up to 5th July 1831; distinguishing the number of the refiners for whose use the foreign sugar was entered; also, quantity of refined sugar, bastard sugar and treacle, exported from Liverpool, Bristol and Glasgow, in each quarter from 5th July 1828 to 5th July 1831; (225.) - - - - - XVII. 433

Quantity of unrefined sugar retained for home consumption, 1815—1830; distinguishing the quantities of British plantation or East India retained or refined for exportation; duty levied and received after deducting drawback; statement of average prices of British plantation sugar for each year;—Similar account for four half year's ending 5 July 1828, 1829, 1830, 1831; (340.) - XVII. 447

Suits in Common Law Courts. see *Courts of Law.*

Suits relating to Real Property. see *Real Property.*

Superannuation Allowances:

Copies of Minutes of the Board of Treasury (subsequent to the last Session of Parliament) concerning the superannuation allowances of official persons in the several departments; (190.) - - - - - XIII. 429
see also *Army*, 1. *Miscellaneous Services*, III. *Ordnance*.

Surinam. see *Slaves.*

Surgeons. see *Cadets.*

Surrey. see *Court of Requests.* *Writs of Execution.*

T.

Tallow Candles. see *Candles.*

Tanjore Debts:

Seventh Report of commissioners appointed under an agreement concluded 1824 between the East India Company and the private creditors of Amheer Sing, Rajah of Tanjore; (42.) - - - - - XII. 81

Taxes:

Account of the number of inspectors-general of taxes in the United Kingdom; stating the names, date of appointment, and district of each, and the salaries and allowances received by each, 1830, so far as the same relates to England and Wales; (167.) - - - - - XVII. 65
see also *Assessed Taxes.*

Tea; Average sale price of tea of each description of the East India Company's tea sold each year from 1823; (in appx. to 320.) - - - - - V. 660

Average time the whole quantity of tea sold at each quarterly sale had been in the Company's warehouse prior to such tea being put up to sale; (in appx. to 65.)
V. 201

Profit and loss of the East India Company's tea trade with China for 1829—30; stating prime cost, how calculated, freight and demurrage, charges incurred in landing, &c., interest as calculated to make the upset price, insurance as calculated to make the upset price, supercargoes commission, and all other charges; (in appx. to 65.) - - - - - V. 202

Quantity of tea exported by the East India Company from Canton, specifying the several kinds of tea, average prime cost per pound, 1829—30; (in appx. to 65.)
V. 206

Several sales of the East India Company in 1830; specifying the quantity of each kind of tea sold, the average price at which each kind was put up, and at which each kind was sold at each sale; (in appx. to 65.) - - - - - V. 207

Tiends. see *Tithes.*

Teller of the Exchequer's Office. see *Miscellaneous Services*, Ireland.

Tenant. see *Curtesy.*

Tenements:

Bill for the better rating tenements under a certain annual value; (54.) III. 441

Territorial Revenue. see *East India Affairs.*

Thames River Pilots. see *Pilots.*

Thrown Silk. see *Silk.*

Tickets of Leave. see *Convicts*, 3.

Tithes :

Bill, intituled, An Act for encouraging and facilitating compositions for tithes and other profits arising and payable to incumbents of ecclesiastical benefices in England and Wales; (339.) - - - - - III. 445

Account of the agent for the Officers of State in the matter of teinds, 12 November 1829 to 12 November 1830; (in 325.) - - - - - XV. 307
see also *Peerages.*

Titles to Lands. see *Lands*, *Titles to*.

Tobacco :

Bill to repeal an Act of the 19th year of King George the Third, for repealing so much of several Acts as prohibit the growth and produce of tobacco in Ireland, and to permit the importation of tobacco of the growth and produce of that kingdom into Great Britain; (48.) - - - - - III. 483

Tolls. see *Private Bills.* *Turnpike Road Bills.*

Tonnage. see *Shipping.*

Toulounese and Corsican Emigrants. see *Miscellaneous Services*, III.

Trade. see *China.* *East India Company.* *Imports.* *Shipping.* *Tea.*

Transportation. see *Convicts.*

Treacle: Quantity of treacle exported from Liverpool, Bristol and Glasgow, in each quarter from 5th July 1828 to 5th July 1831; (in 225.) - - - XVII. 433

Treaties. see *Belgium.* *Portugal.*

Treating. see *Elections.*

Trinidad. see *Convicts*, 5.

Trinity House. see *Pilots.*

Truck. see *Wages.*

Tumultuous Risings. see *Whiteboy Offences.*

Turnpike Roads :

1. *England:*

Bill to amend the Acts for regulating turnpike roads in England, so far as they relate to certain exemptions from toll; (94. 173.) - - - III. 487

2. *Scotland:*

Bill for amending and making more effectual the laws concerning turnpike roads in Scotland; (36. 166.) - - - - - III. 495

see also *Highways.* *Metropolis Roads.*

Turnpike Road Bills: Number of Turnpike Road Bills which passed the House of Commons in Session 1830-31, wherein any toll has been imposed on carriages propelled by steam or other mechanical contrivance; distinguishing amount of toll charged per horse on stage-carriages, vans, waggons and bars, and the charge on steam carriages; (in appx. to 324.) - - - - - VIII. 315

Turnpike Road Bills, Fees on. see *Miscellaneous Services*, IV.

U.

Union of Parishes, Ireland :

Bill, intituled, An Act to amend an Act of 7 & 8 Geo. 4, intituled, An Act to consolidate and amend the laws in force in Ireland for unions and divisions of parishes; and for uniting or disappropriating appropriate parishes or parts of parishes; and to make further provisions with respect to erecting chapels of ease, and making perpetual cures; (143.) - - - - - III. 595

Universities, Scotland :

Report made to His Majesty by a Royal Commission of Inquiry into the state of the Universities of Scotland; (310.) - - - - - XII. 111

V.

Vaccine Establishment. see *Miscellaneous Services*, III.

Valuation of Lands, Ireland :

Bill to amend an Act of 7 Geo. 4, for making provision for the uniform valuation of lands and tenements in the several baronies, parishes and other divisions of counties in Ireland, for the purpose of the more equally levying of the rates and charges upon the same; (238. 301.) - - - - - III. 599

Van Diemen's Land :

Correspondence between Lieut.-General Arthur and the Colonial Office on the subject of the military operations lately carried on against the aboriginal inhabitants of Van Diemen's Land; (259.) - - - - - XIX. 175
see also *Convicts.* *Miscellaneous Services*, V. *New South Wales.*

Vestries :

Bill for the better regulation of vestries, and for the appointment of auditors of accounts in certain parishes of England and Wales; (128. 236.) - III. 607

Vicarages. see *Augmentation of Ecclesiastical Benefices.*

Vice-Chancellor. see *Salaries.*

Vice-Treasurer's Office. see *Miscellaneous Services*, Ireland.

Victoria, Princess. see *Kent, Duchess of.*

Victuallers. see *Beer.*

Victualling Yard, Gosport :

Estimate of the additional sum required to complete the works at the Royal Clarence Victualling Yard at Gosport, beyond the sum of 20,000*l.* which was voted on the Estimate of the Navy for the present year; (281.) XIII. 203

Correspondence between the Commissioners of the Admiralty and Commissioners of the Victualling Office respecting the works now in progress in the Royal Clarence Victualling Yard at Gosport; (282.) - - - - - XIII. 205

Volunteer Corps. see *Army*, 1.

W.

Wages :

Money Payment Acts Repeal Bill :

Bill, intituled, An Act to repeal several Acts and parts of Acts prohibiting the payment of wages in goods, or otherwise than in the current coin of the realm; (161.) - - - - - III. 641

Money Payment of Wages Bill :

Bill, intituled, An Act to prohibit the payment in certain trades of wages in goods, or otherwise than in the current coin of the realm; (162.) - - - III. 647

Waggons. see *Hackney-Coaches.*

Warehoused Goods :

Official value of goods warehoused in London, 1825—1830; goods actually in the bonded warehouses in London on 5th January 1831; distinguishing the places where deposited and quantities at each; (152.) - - - XVII. 459

Wash. see *Spirits*, 6.

Waste Silk. see *Silk.*

Watch and Police of Dublin. see *Miscellaneous Services*, Ireland.

Waterford :

Trade and Shipping :

Imports into and exports from the port of Waterford, 1825—1830; distinguishing the quantity and value of all articles severally exceeding the amount of 500*l.*; —Exports during the same period;—Number and tonnage of ships that have entered inwards and cleared outwards 1816—1830; (17.) - XVII. 319

Waterloo Bridge New Street :

Bill to authorize and empower the Commissioners appointed by 7 Geo. 4, for extending to Charing-Cross, the Strand, and places adjacent, the powers of an Act for making a more convenient communication from Mary-le-bone Park, to make and form a new street from the Strand to Charles-Street, Covent-garden, and to widen the north end of Bow-Street into Long Acre; and for other purposes; (95.) - - - - - III. 663

Estimate of the expense to be incurred under the Waterloo Bridge New Street Bill; distinguishing the amounts to be borne by the public and by private parties; (71.) - - - - - XIII. 307

War :

Bill to discontinue or alter the duties of custom upon wax, &c. (in 89.) I. 297

Amount of duty paid on foreign wax imported in the last three years; (in 16.) see also *Candles*. XVII. 77

Ways and Means :

Account of the surplus money in the Exchequer at the disposal of Parliament; (46.) - - - - - XIII. 373

Wellesley, Honourable W. L. see *Privilege*.

West Australia, Settlement of. see *Miscellaneous Services, v.*

Westminster Abbey. see *Coronation*.

Westmorland Lock Hospital. see *Miscellaneous Services, Ireland*.

Wexford Assizes. see *Newtown Barry*.

Wheat. see *Corn*.

White Boy Offences :

Bill to amend an Act passed in the Parliament of Ireland 15 & 16 Geo. 3, intituled, An Act to prevent and punish tumultuous risings of persons within this kingdom, and for other purposes therein mentioned; (265.) - - - - - III. 675

Widows' Pensions. see *Army, 1.*

Williams, Henry. see *Slaves, 2.*

Wills. see *Attestation of Instruments. Registry of Deeds*.

Windhurst, Edward :

Copies of the warrant of conviction and commitment of Edward Windhurst; (275.) - - - - - XV. 99

Windsor Castle :

Report from Select Committee on Windsor Castle and Buckingham Palace; (272.) - - - - - IV. 1

Sum required to defray the expenses incurred, and to be incurred 1831, in carrying on the repairs and alterations at Windsor Castle, and in providing furniture for the Castle; and of the sum required towards the amount which is wanted to defray debts incurred for work done and contracts entered into for Buckingham House previous to the appointment of the Select Committee of the House of Commons; (271.) - - - - - XIII. 309

Wine :**1. General :**

Bill to equalize the duties on wine; (135.) - - - - - III. 683

Resolutions to be proposed by Mr. Robinson on 15th August 1831 on the second reading of the Wine Duties Bill; (o.28.) - - - - - XVII. 489

2. Drawbacks :

Quantities of Cape, French, and other wines on which drawback was allowed on exportation from the United Kingdom, 1830; distinguishing the quantity in casks and bottles, and the place to which it was sent; (254.) - XVII. 479

3. Duties :

Quantity of French, Cape, and other wines respectively, remaining duty paid in the entered stocks on 5th January 1830 and 1831 respectively;—Amount of duty paid on each description of wine in the years 1829 and 1830; and of the quantity of each description of wine permitted out of stock; (98.) XVII. 481

Quantities and descriptions of wines on which any duties in addition to those imposed by law, have been demanded or received from 20th July last to the present time; and of the amount of such additional duties so demanded or received; (251.) - - - - - XVII. 483

Wine—continued.**3. Duties—continued.**

Representations made from the colony of the Cape of Good Hope respecting duties on Cape wines; (103.) - - - - - XVII. 485
see also Cape of Good Hope.

Woods and Forests. *see Land Revenue.*

Works, Board of, for Civil Buildings. *see Miscellaneous Services, Ireland.*

Works, Office of, *see Miscellaneous Services, II.*

Works, Public :

Bill to amend several Acts passed for authorizing the issue of Exchequer Bills, and the advance of money, for carrying on Public Works and Fisheries, and employment of the poor, and to authorize a further issue of Exchequer Bills for the purposes of the said Act; (181.) - - - - - III. 687

Bill for the extension and promotion of Public Works in Ireland; (86. 114.)
 III. 703

Treasury Minutes dated 10th June 1831 and 29th June 1831, and correspondence upon the subject of giving to Parliament a more early and effectual control over the expenditure of Public Works abroad, as recommended by the Select Committee of the House of Commons on Water Communication in Canada; (100.)
 XVII. 561

Sums of money advanced by the Irish Loan Commissioners; purposes of term for which lent, rate of interest, &c., nature of security required, and repayments on each loan; (184.) - - - - - XVII. 565

Estimate of the probable amount that will be required for the payment of the salaries and contingent expenses of the establishment of His Majesty's Office of Works, 1831; (in appx. to 337.) - - - - - IV. 372

Statement of the royal palaces and other public buildings under the superintendence of the Office of Works; (in appx. to 337.) - - - - - IV. 374

Works, Public, Commissioners of. *see East India. Exchequer Bills Commissioners. Miscellaneous Services, Ireland.*

Writers :

Number of writers sent out to India and China in each of the last five years; specifying the presidency or place to which they have been sent; (in appx. to 320.)
 V. 666

Number of writers sent out to India in each of the last five years, whose appointments were made on the nomination of the Board of Control; (in appx. to 320.)
 V. 666

Writs of Execution :

Warrants issued by the sheriff of the county of Surrey on writs of execution against the person or property from the superior courts at Westminster, with the poundage thereon, since May 1826, and number of warrants; distinguishing poundage in Southwark from the rest of the county; (239.) - - - XV. 97

Z.**Zemindar of Nozeed and Mustaphanagur :**

Bill for providing for the discharge of a claim in respect of monies advanced by the late James Hodges, esq. on security of the lands of the late zemindar of Nozeed and Mustaphanagur, in the district of Port St. George, in the East Indies, &c.; (P. B. 3.) - - - - - III. 831

Minutes of Evidence, and proceedings of the Committee, with papers laid before the Committee on the Bill to settle claims relative to the Zemindar of Nozeed and Mustaphanagur (P. B. 2.) - - - - - IV. 717

Government Documents



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